

MINUTES OF THE JANUARY 3, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present

Harry S. Thornton, Mayor  
John H. Tarr, Vice Mayor  
Terry Howard, Councilman  
John R. Taylor, Jr., Councilman  
Fred H. Tolbert, Councilman

Council Members Absent

H. Austin Smith, Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Taylor offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Minutes of the December 4, 1995 Meeting.

Councilman Taylor moved, seconded by Councilman Howard to approve the minutes of the December 4, 1995 meeting as presented. Unanimously approved.

5. Council Information Items.

-Councilman Howard stated his feelings concerning Merit Increases or other pay increase. Councilman Howard feels the full Council should vote on such matters and not just by a Committee. Councilman Tolbert explained the Budget Committee only approved the recommendations of the Department Heads and Town Manager. Vice Mayor Tarr stated the Budget Committee considers recommendations as the Council does not work daily with the employees. No change in current procedure acted upon by Council.

6. Committee Reports.

-Councilman Tolbert stated the minutes of the Budget Committee's December meeting are included in the agenda packet if Council has any questions.

-Vice Mayor Tarr stated the Public Works Committee did not meet in December.

-Councilman Taylor stated that Mrs. Lottie Collins will be 100 years old on January 19th. He asked that special recognition to done at the Work Session and presented to her.

-Councilman Howard stated during tonight's meeting there will be a joint public hearing with the Planning Commission to hear comments on changes to the Zoning Ordinance.

7. Public Participation.

-Mr. Donald Leonard asked the Council to consider sending a funding resolution to the General Assembly for parking facilities at the Community Center. Senator Norment feels funds may be available for assisting the authority with construction needs. The Authority had to scratch the parking facilities from their construction contract due to funding

constraints. Senator Norment has asked that the resolution be specific concerning the funding request.

-Mr. Richard Conklin asked to postpone his comments until after the public hearing. Mayor Thornton agreed.

8. Mr. Jack Edward, Regional Manager, Falcon Cable Media.

Mr. Jack Edwards was in attendance to answer questions from the Council and the public.

-Mr. Kenny Lewis asked why channels 3, 10 and 13 have terrible reception. Mr. Lewis also asked for Falcon's plans to correct this matter.

Mr. Edwards stated this problem has existed since this cable system has been in operation. Mr. Edwards explained the interference problems and stated Falcon is working with the station to correct the problem, but it is not likely any improvement will occur.

-Mr. John Graham questioned the poor reception on channel 19.

Mr. Edwards stated channel 19 is close to a pager frequency but it can be fixed. Some interference could possibly be getting into the system in the home. Mr. Edwards also stated to call the cable office and the problem will be fixed.

-Councilman Tolbert stated the Council has received a lot of promises from Falcon Cable and Mr. Edwards predecessor, but no improvements have been made. Most of the Council feels that vast improvement must be made prior to the franchise expiration or other alternatives will be pursued.

Mr. Edwards asked for specifics on complaint areas from Town residents for his information and correction.

Mr. Edwards stated Falcon has a local service technician and an experienced technician that comes to Chincoteague several times a week for any problems that occur.

-Councilman Howard objected to the cutoff notice on bills to persons that have already paid their bill.

Mr. Edwards stated he controls the wording and will have it changed as requested.

-Town Manager Baker asked Mr. Edwards to change the Town's Phone Number on the cable bill to the cable office telephone number.

Mr. Edwards stated that this will be corrected.

-Mr. Richard Conklin stated that on his Eastside property he has an extension cord installed by Falcon across a sidewalk which has been there since summer.

Mr. Edwards will look into this matter himself. and have it corrected.

Mr. Conklin also stated that his motel was knocked out of service this summer for five hours and he could not get anyone at Falcon to correct the problem.

Mr. Edwards stated an installer now lives on the Island.

Mr. Conklin also stated that the Falcon office could be improved for the rates being charged.

Mr. Edwards commented that the Chincoteague Cable system exceed the specifications required by the Federal Communications Commission.

9. Joint Public Hearing on Proposed Amendments to the Zoning Ordinance.

Mayor Thornton called the Joint Public Hearing to order at 8 p.m.

Town Manager Baker read the proposed amendments to the Zoning Ordinance as follows:

1. Amend Section 3.6.1.B to read:  
“For each additional single family dwelling permitted above one (1) the lot size required shall increase by 5,000 square feet, provided however, that any individual structure subsequently sold would be required to meet all applicable area requirements of zoning.”  
  
Amend Section 3.9.1.B to read:  
“For each additional single family dwelling permitted above one (1) the lot size required shall increase by 3,000 square feet, provided however, that any individual structure subsequently sold would be required to meet all applicable area requirements of zoning.”
2. Add the following code sections to the parking requirements:  
6.6.0. If a lot is utilized for amusement or recreational rental purposes the following regulation shall apply: one (1) space per four (4) persons rated capacity.  
6.6.0.1 Miniature golf course: one (1) space per hole.
3. “Sec. 2.53.A Dumpster: Any trash receptacle which is so designed to require the use of mechanical equipment to empty such container.”
4. Delete section 11.1.2.B:  
“The fee for a proposed amendment to the zoning ordinance shall be \$75.00.”
5. Amend Sec. 2.8 Amusements to read:  
Any type of amusement device that does not have an internal combustible engine or creates excessive noise in violation of the Town of Chincoteague’s Noise Ordinance. (Excluding coastal water related activities)

Vice Mayor Tarr asked a question concerning item 1. We've added the word "attached" and now the Planning Commission wants to take it out. What was the original intent? If you take it out you would be allowing multiple detached single family dwellings on a single lot.

Councilman Tolbert stated if item 1 is approved, the Town has no way to monitor future sales of single structures. Once the Certificate of Occupancy is issued, the Town no longer has any control. The proposed amendment creates to many problems.

Councilman Howard stated that Council must consider the implications on all property owners and not just one classification. Council does not want to over regulate the public.

Town Attorney Poulson stated it would be inconsistent to approve more than one (1) use on a single piece of property.

Vice Mayor Tarr stated the Town needs to consider that a second structure on a single parcel of land probably will not have a water main to the second structure. This would create a lot of problems upon the sale of the property.

Mrs. Mary Clark opposed to changing item 1. Mrs. Clark feel a separate lot should be required.

Councilman Tolbert stated zoning is in affect to be fair to all. If you want to always make exceptions, you eliminate the need for zoning. There are provisions in the zoning ordinance for special cases.

Councilman Howard stated there are no guarantees when a property owner goes before the Board of Zoning Appeals. There is also the cost of advertising to address the BZA. A send dwelling on a single lot should be permitted by right.

Mr. Donald Lynch stated he was just denied by the BZA because it was not a hardship because he wanted to have an apartment in his garage.

Councilman Taylor told Mr. Lynch residents are suppose to obtain a permit before you start building.

Mayor Thornton closed the Public Hearing at 8:25 p.m.

Councilman Howard addressed the Planning Commission for a recommendation on the proposed amendments. The Planning Commission moved, seconded, and unanimously approved to send the proposed amendments to the Town Council.

Mayor Thornton asked to vote on the proposed amendment one at a time.

1. Councilman Tolbert moved, seconded by Vice Mayor Tarr to deny the proposed amendment as presented. Voting for: Tolbert, Tarr, Taylor. Voting against: Howard. Motion carried.

2. Councilman Tolbert moved, seconded by Councilman Howard to adopt amendment 2 as presented. Unanimously approved.

3. Councilman Tolbert questioned the definition of a dumpster. Councilman Howard stated the Planning Commission was trying to make sure the large trash containers which are rented from the solid waste contractor could have a barrier fence around it.

Vice Mayor Tarr is concerned that homeowners using a 90 gallon trash container can put a fence around it with zero setback. Therefore, everyone could have a containment fence to the road in their front yard.

Mr. Richard Conklin asked why shouldn't a property owner be allowed to have a fence around their trash receptacle.

Councilman Tolbert moved, seconded by Vice Mayor Tarr to deny amendment 3 and send back to the Planning Commission for further consideration. Voting for: Tolbert, Tarr, and Taylor. Voting against: Howard. Motion carried.

4. Councilman Taylor moved, seconded by Councilman Howard to delete Section 11.1.2.B as presented. Unanimously approved.

5. Councilman Taylor moved, seconded by Councilman Howard to approve amendment 5 as presented. Unanimously approved.

Vice Mayor Tarr commented on Amendment 1 again. Council discussed with Building Administrator Lewis and Town Attorney Poulson.

Mayor Thornton asked that the Planning Commission, Building Administrator Lewis and Town Attorney Poulson reviewed Amendment 1 before it comes back to Council.

10. Consider Request from the Chincoteague Recreation and Convention Center Authority.

The Authority is requesting Council to consider submitting a funding resolution to the General Assembly on their behalf for \$10,000.00 towards the construction of a parking lot at the Community Center site.

Councilman Tolbert moved, seconded by Councilman Taylor to grant the Authority's request and submit a funding resolution to the General Assembly for \$10,000.00 towards a parking lot for the Community Center. Unanimously approved.

11. Consider Appointment to the Town Council.

Councilwoman Wanda Thornton was elected as Island Supervisor and resigned her position on the Town Council effective December 31, 1995. Several citizens have expressed interest in being considered to fill the vacancy until the term expires June 30, 1996. Those wishing to be considered are: Mr. Royce Jones, Mr. Reginald Stubbs, Mrs. Ricky Tarr, Mr. Terrell Boothe, and Mr. Donald Leonard. Mayor Thornton asked if there was anyone else who wished to be considered. There were none.

Councilman Howard stated the Council should delay this action until all Council Members are present. Councilman Howard feels the public would be better served and suggested this item be postponed until the January Work Session.

Councilman Howard moved to delay action until January 18, 1996 Work Session. There was no second to the motion.

Councilman Taylor moved, seconded by Councilman Tolbert to appoint Mr. Donald Leonard to fill the vacancy on the Town Council until June 30, 1996.

Councilman Tolbert explained that Mr. Leonard has no desire to continue with this service past June 30 and would not seek reelection to this seat.

Councilman Howard stated he also had served with Mr. Leonard and feels he is very qualified, but feels the full Council should be present for this action.

The motion was unanimously approved.

Mayor Thornton thanked everyone for their interest.

12. Christmas Decoration Winners.

The winners of the Christmas decorations were as follows:

|           |                                |                    |
|-----------|--------------------------------|--------------------|
| 1st place | Lois Ann Rhodes/Jonathon Stone | \$100 savings bond |
| 2nd place | Mr. & Mrs. William Derrickson  | \$75 savings bond  |
| 3rd place | Mr. & Mrs Alfred Johnson       | \$50 savings bond  |
| 4th place | Mr. & Mrs Roland Hardin        | \$50 savings bond  |
| 5th place | Mr. & Mrs. George Hall         | \$50 savings bond  |
| 6th place | Mr. & Mrs. Michael Jester      | \$50 savings bond  |

13. Street Name for Municipal Complex and Community Center.

Town Manager Baker asked Council to consider a name for the road which will service the Municipal Complex and Community Center.

14. Selection of Bricks for Municipal Complex.

Councilman Howard moved, seconded by Councilman Tolbert to adjourn the meeting at 9:55 p.m. Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE JANUARY 18, 1996  
CHINCOTEAGUE TOWN COUNCIL WORK SESSION/SPECIAL MEETING**

Council Members Present

Harry S. Thornton, Mayor

John H. Tarr, Vice Mayor

Terry Howard, Councilman

H. Austin Smith, Councilman

John R. Taylor, Jr., Councilman

Fred H. Tolbert, Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Smith offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Certificate of Recognition - Mrs. "Lottie" Collins.

Mayor Thornton asked Councilman Taylor to make the presentation. Councilman Taylor read and presented the following Certificate of Recognition to the children of Mrs.

Collins in celebration of Mrs. Collins' 100th birthday on January 19, 1996.

**CERTIFICATE OF RECOGNITION**

**PRESENTED TO**

**MRS. CHARLOTTE DELILAH "LOTTIE" THORNTON COLLINS**

**WHEREAS,** Mrs. Lottie Collins will be honored by relatives and friends on the occasion of her 100th birthday on January 19, 1996; and

**WHEREAS,** Mrs. Collins was born in Chincoteague, Virginia on January 19, 1896 and has been a lifelong resident of this community; and

**WHEREAS,** she married Charles William Collins in 1913 and this marriage was blessed with six children, ten grandchildren, thirteen great grandchildren, and three great great grandchildren; and

**WHEREAS,** during a long and productive lifetime, she has demonstrated in countless ways her dedication to the welfare of others and has earned the respect and affection of people from all walks of life and all ages;

**NOW, THEREFORE,** by virtue of the authority vested in me as Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to extend this tribute to Mrs. Charlotte Delilah "Lottie" Thornton Collins on the occasion of her 100th birthday, with sincere congratulations and best wishes for many more happy, productive years in the future.



**DATED** this 18th day of January 1996.

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Mayor Harry S. Thornton

Attest:

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T. Stewart Baker, Town Manager

5. Certificate of Appreciation - Mr. Garry Fisher.

Mr. Fisher was not present at the meeting, however the following Certificate of Appreciation will be given to Mr. Fisher.

**CERTIFICATE OF APPRECIATION  
PRESENTED TO  
MR. GARRY FISHER**

WHEREAS, Mr. Garry Fisher has served this community well as a member and Chairman of the Chincoteague Board of Zoning Appeals, and  
WHEREAS, he has served generously with the Board of Zoning Appeals in countless hours of dedication to their tasks;

NOW, THEREFORE, I, Harry S. Thornton along with the Town Council and the citizens of the Town of Chincoteague do hereby extend to Mr. Fisher our sincere appreciation for dedicated service to our community.

DATED this 18th day of January, 1996

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Harry S. Thornton, Mayor

Attest:

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T. Stewart Baker, Town Manager

6. VDOT, Suffolk District, Bridge Location Recommendation.

The Town received a letter on January 5, 1996 to the State Transportation Board on the Suffolk District's recommendation concerning location of the entrance bridge to Chincoteague. The recommendation was to build the new bridge structure as close as possible to the existing bridge.

7. Street Name Request.

The Town has received a request from Mr. Billy Reed to name the street off of Ridge Road which leads to his property known as Sunnywood Estates as Rachel Drive.

Councilman Howard moved, seconded by Councilman Taylor to approve this request.  
Unanimously approved.

8. Review of FY'95 Annual Audit Report.

Councilman Tolbert presented the audit report to Council. Councilman Tolbert stated it was a good audit in an easy to understand format from that of past years. The Town is in good financial condition and there are no indications of any future needed tax increase. Councilman Tolbert asked that Council review the audit report and forward any questions for the regular Council meeting in February.

9. Municipal Center Change Order Consideration.

Town Manager Baker presented information as presented from the Municipal Center building contract to the construction committee concerning brick work. The committee has mixed feelings concerning issuing this change order. The pricing has been broken into three sections; section one is to complete the brick on the side facing Deep Hole Road at a cost of \$2,763.00, section two is to brick from the front corner of the police station closest to Deep Hole Road and come around into the hallway at a cost of \$11,069.00, and section 3 is to brick from the hallway starting at the Town Office and the complete side facing the community center to the corner at a cost of \$12,828.00.

Councilman Tolbert moved, seconded by Councilman Smith to accept section 1 and deny section 2 and 3.

Council discussed cost and the ability to complete the brick work at a later date.

Councilman Tolbert amended his motion to accept section 1. Councilman Smith seconded this amendment. Voting for: Tolbert, Smith, Tarr, Taylor. Voting against: Howard. Motion carried.

Councilman Taylor moved, seconded by Vice Mayor Tarr to accept sections 2 and 3. Voting for: Taylor and Tarr. Voting against: Howard, Tolbert, and Smith. Motion defeated.

10. Virginia Municipal League Legislative Day in Richmond.

The Virginia Municipal League Legislative Day is scheduled for February 15, 1996 in Richmond. The Legislative Day offers local governments the opportunity to receive current updates on bills before the General Assembly. It also offers the opportunity to meet with Senators and Delegates to voice opinions on legislation which will be before them during the General Assembly session. The date is in conflict with Council's scheduled Work Session/Special Meeting.

Councilman Howard moved, seconded by Councilman Smith to cancel the February 15, 1996 Work Session/Special Meeting to enable Council to attend the Legislative Day. Unanimously approved.

11. Personal Property Tax Abatements.

Town Manager Baker presented Council with the following list of 93 Personal Property tax bills totally \$203.00. These bills should be considered uncollectable according to

their value. Councilman Tolbert moved, seconded by Councilman Taylor to abate the personal property taxes as presented for a total amount of \$203.00. Unanimously approved.

| AMOUNT | NAME                  | ACCT #   | YEAR | BILL # |
|--------|-----------------------|----------|------|--------|
| 2.04   | Kenneth Cyrus         | 9305669  | 93   | 5500   |
| 1.30   | Bertrand Chapron      | 91118678 | 91   | 5235   |
| 1.02   | Charles E. Dietrich   | 9405861  | 94   | 5640   |
| 1.36   | Vera L. DePalma       | 9305753  | 93   | 5573   |
| 1.46   | Vera L. DePalma       | 92203261 | 92   | 5542   |
| .63    | I. J. Denny           | 91118986 | 91   | 5482   |
| 2.54   | Linda Denning         | 92203257 | 92   | 5534   |
| 1.46   | Derenda Ann Delp      | 92219695 | 92   | 5530   |
| 1.30   | Lester Donald Dawson  | 91114189 | 91   | 5465   |
| 1.14   | E F I Auto & Marine   | 9305871  | 93   | 5671   |
| 6.46   | William Druette       | 92203270 | 92   | 5599   |
| 1.68   | Kynn David Harned     | 92203331 | 92   | 5953   |
| 3.06   | Kynn David Harned     | 91122750 | 91   | 8618   |
| 2.71   | Thomas Harmon, Jr.    | 92220166 | 92   | 5952   |
| 1.17   | John & Marie Hand     | 9406325  | 94   | 6018   |
| 2.27   | Charles H. Hance, Jr. | 9406319  | 94   | 6014   |
| 1.02   | Sandra Granata        | 9406256  | 94   | 5961   |
| 1.14   | Sandra Granata        | 9306162  | 93   | 5919   |
| 1.24   | Sandra Granata        | 92220092 | 92   | 5877   |
| 1.36   | Janis Marie Grannan   | 9306160  | 93   | 5917   |
| 1.46   | Janis Marie Grannan   | 92203389 | 92   | 5874   |
| 1.58   | Howard M. Graham      | 9306153  | 93   | 5912   |
| 1.68   | Howard M. Graham      | 92220087 | 92   | 5869   |
| 3.28   | Howard M. Graham      | 91119381 | 91   | 5797   |

|      |                       |          |    |      |
|------|-----------------------|----------|----|------|
| 5.87 | Howard M. Graham      | 91119381 | 90 | 1316 |
| 3.99 | Howard M. Graham      | 91119381 | 89 | 0969 |
| 1.46 | Dixie Lee Graham      | 92220085 | 92 | 5867 |
| 1.74 | Dixie Lee Graham      | 91119379 | 91 | 5795 |
| 4.80 | Dixie Lee Graham      | 91119379 | 90 | 1314 |
| 3.43 | Dixie Lee Graham      | 91119379 | 89 | 0967 |
| 2.71 | Deborah Goutremont    | 92203385 | 92 | 5864 |
| 1.46 | Tammy Sue Gaskins     | 92208118 | 92 | 5817 |
| .15  | Pam Brown             | 92219273 | 92 | 5193 |
| 1.83 | David G. Eckert       | 9405949  | 94 | 5708 |
| 4.77 | Manuel Mejio          | 9307111  | 93 | 6722 |
| 5.16 | Manuel Mejio          | 91120295 | 91 | 6539 |
| 3.06 | Ruth Martin           | 91120155 | 91 | 6412 |
| 1.69 | John Lynn             | 91120093 | 90 | 2028 |
| 1.30 | Milton E. Llewellyn   | 91120061 | 91 | 6340 |
| 1.46 | Herman Lewis          | 92220698 | 92 | 6421 |
| 1.30 | Richard Emory Howard  | 91114262 | 91 | 6012 |
| 2.51 | Henry W. Herndon, Jr  | 9306308  | 93 | 6039 |
| 1.30 | James Milliner        | 91120377 | 91 | 6607 |
| 1.38 | James Milliner        | 91120377 | 90 | 2312 |
| .52  | James Milliner        | 91120377 | 89 | 1667 |
| 3.06 | Samantha Mettis       | 91114336 | 91 | 6591 |
| 8.00 | Rosemary Hall Merrill | 92203497 | 92 | 6677 |
| 4.41 | Bernard Shepherd      | 9407989  | 94 | 7385 |
| 1.02 | John Schiver          | 9407915  | 94 | 7329 |
| 1.02 | Clifton Benton Savage | 9407871  | 94 | 7290 |
| 3.60 | Jeffrey Salter        | 92221572 | 92 | 7172 |

|      |                          |          |    |      |
|------|--------------------------|----------|----|------|
| 3.28 | Jeffrey Salter           | 91114402 | 91 | 7036 |
| 9.26 | Jeffrey Salter           | 91114402 | 88 | 0694 |
| 6.32 | Judy Ellen Salmon        | 91120913 | 91 | 7034 |
| 1.52 | Sherilyn Salisbury       | 91114401 | 91 | 7033 |
| 1.30 | Christopher Rose         | 91114396 | 91 | 6995 |
| 1.30 | Edward Robinson          | 91120847 | 91 | 6976 |
| 1.38 | Edward Robinson          | 91120847 | 90 | 2782 |
| 2.40 | Charleen Renee Robertson | 9407764  | 94 | 7198 |
| 1.46 | David Richardson, Sr.    | 92221463 | 92 | 7078 |
| 1.52 | David Richardson, Sr.    | 91120812 | 91 | 6946 |
| 2.59 | Nancy Recknagle          | 92221387 | 92 | 7020 |
| 1.52 | Robert Ranno             | 92221379 | 92 | 7014 |
| 1.14 | Clement Pierson          | 9307421  | 93 | 6978 |
| 1.30 | Clement Pierson          | 91120642 | 91 | 6801 |
| 3.85 | Clement Pierson          | 91120642 | 90 | 2577 |
| 3.63 | Erin Philpy              | 91122770 | 91 | 8639 |
| 2.27 | Jesse Phillips           | 9407568  | 94 | 7036 |
| 1.14 | Jesse Phillips           | 9307416  | 93 | 6973 |
| 2.71 | Michael Pheigaru         | 92203560 | 92 | 6933 |
| 1.46 | Steven Pearce            | 92203552 | 92 | 6905 |
| 1.30 | Stacey Pearce            | 91114356 | 91 | 6768 |
| 1.36 | Richard Pearce           | 9307381  | 93 | 6946 |
| 1.24 | Debbie Peters            | 92221267 | 92 | 6915 |
| 1.52 | Jeff Parks               | 91114355 | 91 | 6746 |
| 1.52 | David Parker             | 91122767 | 91 | 8636 |
| 1.52 | Sally Oshaben            | 91120547 | 91 | 6723 |
| 5.25 | Angel Moran              | 91120408 | 91 | 6630 |

|           |                    |          |    |      |
|-----------|--------------------|----------|----|------|
| 1.46      | Elaine Montez      | 92221066 | 92 | 6746 |
| 1.68      | Marion Gail Taylor | 92221979 | 92 | 7523 |
| 1.52      | Marion Gail Taylor | 91121332 | 91 | 7365 |
| 1.52      | Judy Tarmon        | 91114440 | 91 | 7317 |
| 1.36      | Mary Sturgis       | 9308017  | 93 | 7477 |
| 1.02      | Irby Sorrells      | 9408091  | 94 | 7465 |
| 1.92      | Craig Snead        | 9408068  | 94 | 7445 |
| 1.02      | Loretta Youngert   | 9408728  | 94 | 7993 |
| 1.24      | Ralph Woodward     | 92222397 | 92 | 7862 |
| 1.02      | John Wolf          | 9408692  | 94 | 7966 |
| 2.40      | Finley Weldon      | 91122915 | 89 | 2504 |
| 1.02      | William Waller     | 9408464  | 94 | 7773 |
| 1.24      | Jim Tubbs          | 92222079 | 92 | 7609 |
| 1.30      | Jim Tubbs          | 91121438 | 91 | 7453 |
| 1.38      | Jim Tubbs          | 91121438 | 90 | 3373 |
|           |                    |          |    |      |
| TOTAL     |                    |          |    |      |
| \$ 203.52 |                    |          |    |      |
|           |                    |          |    |      |

12. Falcon Cable Media.

Town Manager Baker updated Council on Falcon Cable's petition to the Federal Communications Commission for small cable system provider designation. A town in Oregon has petitioned the FCC in opposition of Falcon Cable's request. The one major point the Town should be concerned with if Falcon Cable obtains this FCC designation is Falcon would be allowed to double their price for basic cable service.

The Town was not notified of Falcon's filing to the FCC until after the deadline for comments to the FCC from the Town.

13. Reward.

Mayor Thornton asked Council to consider increasing the reward to \$15,000.00 for information leading to the arrest and conviction of the person or persons who murdered Mrs. Tessa VanHart in January 1994.

Councilman Taylor moved, seconded by Vice Mayor Tarr to increase the reward to \$15,000.00. Unanimously approved.

14. Police Department K9 Unit.

Mayor Thornton has asked Chief Dize and Asst. Chief Lewis to obtain information on cost and requirements of a K9 unit for the Chincoteague Police Department. The information should be available for the regular Council meeting in February.

15. Bench in Front of Senior Citizens Center.

Councilman Taylor stated the bench in front of the Senior Citizens Center has been broken and needs to be repaired. Councilman Taylor has discussed the matter with Chief Dize and they believe the bench was damaged by skateboarders. Public Works will be asked to repair the bench.

16. Property Line Vacation.

Mr. Howard Wessells, Attorney representing Mr. Edward Tull, asked to address Council concerning the vacation of a property line. Mayor Thornton stated if Mr. Wessells or Mr. Tull wished to address the Council they should have contacted him. Neither Mr. Wessells nor Mr. Tull contacted anyone in the Town concerning placement of this issue on tonight's agenda.

Mayor Thornton allowed Mr. Wessells to present his information.

The property lines which need to be vacated and relocated are in the Bunting Pond Mobile Home Park. The property line needs to be moved approximately five feet. Mr. Tull also desires to move the boundary line adjoining Mr. & Mrs. Donald Lynch approximately 20 feet parallel to the existing boundary line.

Council discussed the procedures for vacating a property line and questioned if all necessary steps have been taken.

Councilman Smith moved, seconded by Councilman Howard to approve the deed of vacation of property line contingent that all aspects of the State Code and the Town's Zoning Ordinances are met and approved by Mr. Kenny Lewis. Voting for: Smith, Howard, and Tarr. Voting against: Taylor and Tolbert. Motion carried.

17. Adjournment.

Councilman Taylor moved, seconded by Councilman Smith to adjourn the meeting at 8:35 p.m. Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE FEBRUARY 5, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING**

Council Members Present

Harry S. Thornton, Mayor

John H. Tarr, Vice Mayor

Terry Howard, Councilman

Donald J. Leonard, Councilman

H. Austin Smith, Councilman

John R. Taylor, Jr., Councilman

Fred H. Tolbert, Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Taylor offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led the Pledge of Allegiance.

Mayor Thornton welcomed Mr. Donald Leonard to the Council.

4. Minutes of the January 3 and 18, 1996 Meetings.

Councilman Tolbert moved, seconded by Vice Mayor Tarr to approve the minutes of the January 3 and 18, 1996 meeting as presented. Unanimously approved.

5. Council Information Items.

-Vice Mayor Tarr reminded Council of the meeting on February 13, 1996 with the Virginia Department of Transportation concerning an updated plan for the Deep Hole Road project.

6. Committee Reports.

**Budget Committee** - Councilman Tolbert stated the Committee discussed change orders in the Municipal Complex with the Building Committee. The Committee reviewed the FY'95 annual audit report. The next Budget Committee meeting will be held on February 13, 1996 at 7:30 p.m.

**Public Works Committee** - Vice Mayor Tarr reported the Fowling Gut outfall/box culvert project remains ongoing. The Committee continues to work with DP&L on the lighting at the Municipal Complex. The Main Street water line replacement project has been delayed due to weather conditions. The Contractor has promised to speed things up when the weather clears in the downtown area from Smith Street to Cropper Street.



Vice Mayor Tarr commended the Public Works Department for their hard work recently combating the snow and ice without salt.

**Senior Citizens** - Councilman Taylor stated the bench in front of the Senior Citizens Center has been repaired. The Senior Citizens Center will only be open on Wednesdays during February due to budget shortfall. The status of the center's operation after February is uncertain at this time.

**Pony Penning Shuttle Committee** - Councilman Taylor stated the Committee requests Council approval to eliminate the Pony Swim Lane Shuttle Stop on Pony Swim Day. This area is very congested with no room to turn the buses around.

Councilman Taylor moved, seconded by Councilman Smith to eliminate the Pony Swim Lane shuttle stop on Pony Swim Day. Unanimously approved.

**Planning Commission** - Councilman Howard stated he was unable to attend the Planning Commission meeting, however the minutes of the meeting are included in the agenda packet.

-Councilman Howard asked for clarification on the paving discussion at the Public Works Committee meeting. Vice Mayor Tarr and Councilman Tolbert explained the restraints associated with spending VDOT funds without losing this year's allocation. It was necessary to notify the paving contractor that the job he was awarded is to be completed by June 30, 1996.

7. Public Participation.

There was no public comment.

8. Commonwealth Transportation Board Meeting Addressing Bridge Location.

Mayor Thornton explained that the Suffolk District of VDOT, last month forwarded to the Commonwealth Transportation Board their recommendation that the Chincoteague bridge entrance be "as close as possible" to the existing bridge. Actual site location is dependent upon the design of the intersection and its necessary placement. The Commonwealth Transportation Board will meet on February 15, 1996 in Richmond at 10 a.m. The Chincoteague Bridge location will be on the agenda. Many Council members will be in Richmond that day for VML Legislative Day. It will be necessary however for them to leave early if they wish to attend the Transportation Board's meeting.

9. February 15, 1996 Work Session Cancellation Notice.

Mayor Thornton announced that Council canceled their Work Session which was scheduled for February 15, 1996 in order to attend the Transportation Board's meeting and VML Legislative Day.

10. Receipt of Deed for Eastside Boat Ramp Property.

The Town has received the signed deed for the Eastside Boat Ramp from Accomack County.

Councilman Tolbert moved, seconded by Councilman Taylor to apply the same regulations to the Eastside Boat Ramp as all other Town boat ramps. Unanimously approved.

11. K-9 Unit Cost Update.

Chief Dize reported he has contacted Castle K-9 from Pennsylvania concerning types of K-9 units. This facility is very reputable and is used by the Accomack County Sheriff's Department. Chief Dize proposed to have a unit cross trained in both patrol and narcotics. The cost of the K-9 and two to three weeks training for the handler would be \$6,500.00.

Councilman Leonard stated the Council should be given an outline of the accomplishments the Police Department hope to realize from the addition of a K-9 unit prior to the Council voting on such an expenditure.

Councilman Smith asked if a report of benefits realized by the Accomack County Sheriff's Department could be obtained for review by the Council?

Vice Mayor Tarr asked for estimate of annual cost for maintenance of such a unit.

12. Request from Chincoteague Chamber of Commerce for the Use of Memorial Park and the Town Dock Property.

The Town has received a request from the Chincoteague Chamber of Commerce for use of Memorial Park in the early evening of June 7, 1996. The Chamber also requests use of the Town Dock on the evening of June 8, 1996. This would be for the Annual Home-Style Music and Shrimp Festival.

Councilman Tolbert moved, seconded by Councilman Howard to approve the use of Memorial Park and the Town Dock for June 7 and 8, 1996. Unanimously approved.

Mayor Thornton stated the Chamber has requested the use of Memorial Park for June 21 and 22, 1996 to conduct power boat races. The pavilion at Memorial Park is obligated for June 21. Mayor Thornton has asked the Chamber to contact the reserved user of the pavilion and return to Council with more details of the event.

13. Mr. Forrest MacDowell Concerning Proposed Property Use on Cleveland Street.

Mr. MacDowell is concerned with the proposed use of the former Bob Tull property on Cleveland Street. Mr. MacDowell stated that a family counseling center is planned for the property. This project as he understands is being headed by Mrs. Lois Daisey. Mr. MacDowell, as an adjoining property owner, has concerns with the Town allowing this type operation.

Mr. Kenny Lewis stated that the property is zoned 50% residential and 50% commercial. Mr. Lewis further stated that Mrs. Daisey has applied for a business license to operate a professional office on the property. It is Mr. Lewis' understanding the property would be used as a counseling center. No one would live on the property. There would be set hours until 11 p.m. The center would offer assistance to individuals trying to obtain their GED. The center will assist individuals with drug or suicide counseling. They will also offer family counseling. The business license is currently on hold awaiting their state certification as a professional counseling center.

Councilman Tolbert stated from the information he has received, the Town has nothing to object to. Professional offices are permitted in both commercial and residential zones.

Mr. MacDowell stated he resents the fact that Mrs. Daisey did not go to the neighbors/adjoining property owners to discuss her plans with them.

Mr. Jimmy Watson stated the property has always been used for residential purposes and he is totally against the proposed use of the property.

Mayor Thornton instructed Mr. Lewis to keep Mr. MacDowell and Mr. Watson informed of future action on this issue.

**The next meeting of the Town Council will be March 4, 1996.**

14. Executive Session.

Councilman Smith moved, seconded by Councilman Howard to go into Executive Session under Section 2.1-344 of the Virginia Code to discuss personnel matters; unanimously approved.

Councilman Howard moved, seconded by Councilman Taylor to reconvene in Regular Session; unanimously approved.

Councilman Tolbert moved, seconded by Councilman Smith to adopt a resolution of certification of the Executive Session;

WHEREAS, the Chincoteague Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public

business matters as were identified in the motion convening the executive meeting were heard discussed or considered by the Town Council.

VOTE: Ayes - Tolbert, Smith, Tarr, Taylor, Howard and Leonard  
Nays - NONE  
Absent - NONE

ATTEST: \_\_\_\_\_  
Town Manager

17. Proposed Chincoteague Elementary School.

Councilman Tolbert informed Council that planning has begun for a new elementary school on Chincoteague. At this time, the design will probably be colonial. The School Board hopes to have the new school open the fall of 1997.

18. Adjournment.

Councilman Howard moved, seconded by Councilman Smith to adjourn the meeting at 9:15 p.m. Unanimously approved.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

MINUTES OF THE MARCH 4, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present

Harry S. Thornton, Mayor  
John H. Tarr, Vice Mayor  
Terry Howard, Councilman  
H. Austin Smith, Councilman  
John R. Taylor, Jr., Councilman  
Fred H. Tolbert, Councilman

Council Members Absent

Donald J. Leonard, Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Taylor offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led the Pledge of Allegiance.

4. Minutes of the February 5, 1996 Meeting.

Councilman Taylor moved, seconded by Councilman Smith to approve the minutes of the February 5, 1996 meeting as presented. Unanimously approved.

5. Consider Acquisition of K-9 Unit in the Police Department.

Chief Dize introduced Deputy Todd Godwin, Deputy Billy Murphy, and Nitro of the Accomack County Sheriff's Department who provided a demonstration of Nitro's capabilities. Chief Dize presented Council with initial cost estimates, yearly maintenance cost estimates and a list of benefits a K-9 Unit will provide the Police Department.

Councilman Taylor moved, seconded by Councilman Smith to authorize the acquisition of a K-9 Unit for the Chincoteague Police Department at a cost of \$8,500.00.

Unanimously approved.

6. Council Information Items.

There were no questions from Council.

7. Committee Reports.

**Budget/Personnel Committee** - Councilman Tolbert explain to Council the proposed establishment of a Sick Leave Bank for employees. The sick leave bank would allow participating full-time employees to receive a maximum of 30 days per year of additional sick leave for an extended illness after the employee's sick leave and annual leave has been exhausted. Participating members would contribute 8 hours of sick leave to the bank per year until initially funded.

This proposal along with other Employee Handbook amendments will be presented to Council at a future date.

**Public Works Committee** - Vice Mayor Tarr reported the Main Street water line replacement contractor, Crofton Diving, has requested a 26 day extension of the contract completion due to inclement weather. Mr. Crofton reported to the Committee that rough installation of pipe and components in the "downtown" area from Cropper Street to Smith Street would be completed by March 9. The segment, Smith Street to Taylor Street would begin March 9, and would be completed April 6. All tie-ins, disinfecting, for the area from Taylor to Cropper, with all components on-line would be accomplished by April 27. The area from Cropper Street to Bunting Road would be roughed-in by April 27. This same area would be on-line by May 18. The area from Taylor Street to Daisey Street would begin on May 20 and would be complete and on-line by June 8.

Vice Mayor Tarr reported the paving schedule for the water line repairs. Milling will begin the last week of April. Paving from Taylor Street to Cropper Street will be accomplished with FY'96 funds. Paving from Cropper Street to Beebe Road will be accomplished with FY'97 funds, but work will be completed in FY'96. Taylor Street to Daisey Street will be paved in the Fall of 1996.

Vice Mayor Tarr stated the Committee met with the Little League who offered a shed to be relocated to Memorial Park for storage of little league equipment. The Committee did not accept the shed, however decided to build a storage compartment inside the dugouts.

**Senior Center** - Councilman Taylor reported the Senior Center is back in full operation.

-Councilman Taylor complimented Town Manager Baker on his address to the Methodist Men on Sunday, March 3, 1996. Mr. Baker's speech was very informative on current issues within the Town.

**Cemetery Committee** - Councilman Taylor stated preparations for cemetery cleanup are underway as Memorial Day is fast approaching. There are still some cemeteries in need of adoption.

**-Arbor Month** - Councilman Taylor requested a Town Proclamation for March to be declared Arbor Month. Councilman Taylor moved, seconded by Vice Mayor Tarr to adopt the following Proclamation. Unanimously approved.

**PROCLAMATION  
ARBOR MONTH**

**WHEREAS, Mayor Thornton and the Chincoteague Town Council deem it of highest importance that our citizens are aware that March is Arbor Month;**

**WHEREAS, there must be considerable work and devotion on the part of all citizens to insure the betterment of the environment around us;**

**NOW THEREFORE, BE IT RESOLVED, that the Mayor and Town Council of the Town of Chincoteague issue this proclamation designating March as Arbor Month and call upon the citizens of this community to observe this celebration by planting a tree.**

**DATED this 4th day of March, 1996.**

---

**Mayor Harry S. Thornton**

**Attest:**

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**T. Stewart Baker, Town Manager**

**Harbor Committee** - Councilman Smith reported the Committee has sent letters to lease holders concerning cleanup of the upland area around the Harbor. The lease holders have a deadline in order to identify, tag, and cleanup items in the upland area or the Committee will have the area cleaned and disposed of.

**Mosquito Control** - Councilman Smith distributed 1996 program highlights to Council.

**Ordinance Committee** - Councilman Smith stated the Ordinance Committee report will be addressed later in this meeting.

**Planning Commission** - Councilman Howard reported the Planning Commission is working on Council recommendations relative to trash containers and enclosure areas. No conclusions have been agreed upon.

8. Public Participation.

-Mr. Charlie Birch, Chairman of the CHS Athletic Boosters, stated in the fall of 1994, the athletic boosters hired Mr. Jimmy Adams to do some work on the school ball field. During the same time, the Town and Bell Atlantic were also performing work in the same area. A \$900+ bill has now surfaced for damages done during this time. No one has any knowledge of any damages. Vice Mayor Tarr stated the Public Works Committee reviewed this matter and has discussed it with employees that were performing the work. Councilman Tolbert stated he feels it is a school matter and should be turned over to the school's insurance carrier. Councilman Tolbert stated he would discuss the matter with school board employees and try to resolve the matter with no adverse affect on the community.

Mr. Birch thanked the Town for work in this regard.

-Island Supervisor Wanda Thornton stated she has spoken with the Mayor concerning her attendance at least one per quarter to update the Council on County issue of interest.

Supervisor Thornton addressed the following matters:

- a. The County has hired Mr. Keith Bull as County Administrator
- b. The Board of Supervisors did not grant approval for the New Church Peaker Plant as it is permitted by right under County Zoning laws.
- c. The Board of Supervisors is continuing to review sources to pay the school debt without raising taxes.
- d. Supervisor Thornton presented Council with options concerning landfills. Supervisor Thornton favors a long term solution for 17.24 years at a projected cost of \$3,459,645.
- e. The County Nursing Home is currently operating at a \$240,750 deficit for this year with very large overtime liabilities. It has been suggested that the nursing home be sold. Supervisor Thornton believes this would result in better care for the patients and guarantees for all to patients to stay and even increase patients.
- f. Supervisor Thornton is investigating a matter of funds being withheld from the Chincoteague Volunteer Fire Company.
- g. The County is proposing hiring a Director of Public Safety to supervise the paid EMS employees. Chincoteague would not be included in this plan as our paid EMS employees are not paid by the County. The County attorney is reviewing if funding of

this position can be done from the district fire tax rather than the general fund.

Councilman Tolbert stated if this position is funded from the general fund, the Town of Chincoteague needs to request one-ninth of the money because we are not participating.

h. There will be a dredging meeting on March 13, 1996 to review possible disposal sites.

i. The County will be requesting bike path shoulders be included in the Rt 175, Causeway, plan at the VDOT Preallocation Hearing on March 27, 1996. Supervisor Thornton asked for Town support in this request.

j. Supervisor Thornton requested copies of the Town meeting minutes, if agreeable with Council.

k. There is approximately \$51,751 to date in the Island District drainage fund. Supervisor Thornton will request the County to turn these funds over to the Town for drainage projects.

l. The County has a growing deer problem like that of the Town's. Supervisor Thornton requested any updates that the Town may receive on this subject.

9. Consider Request from the Chincoteague Chamber of Commerce for use of Memorial Park.

Mr. Graham Dill, President of the Chincoteague Chamber of Commerce, informed Council of a proposed power boat race in conjunction with the National Power Boat Association for June 22 and 23, 1996. The race would have approximately 45 boats with races on Saturday and Sunday. The Chamber would be fronting the cost of this event with hopes for reimbursement from the Association. Boats will range in speed from 90 to 140 MPH. It is estimated there will be approximately 5,000 people in attendance. The Chamber requests use of Memorial Park for this event. There is a conflict with use of the pavilion. Mr. Dill has spoken with Mr. Bowden who has the pavilion reserved. Mr. Bowden did not have any problem with the power boat races as long as his group is able to access the park. Mr. Dill stated the Chamber will add port-o-lets for the additional people. The Chamber requests use of the ball field for storage of the boats. This would require removal of one to two sections of fence. Council suggested the Chamber contact the Little League concerning their scheduled use of the ball field. Also Council expressed concern about parking. The Chamber does not plan to park any of these people in the park except Mr. Bowden's group. If parking appears to be a problem, the Chamber has reserve plans to initiate a shuttle system like pony penning. The next planning meeting for this event is scheduled for March 21, 1996 at 1 p.m. to be held at the Island Motor Inn.

Councilman Taylor moved, seconded by Vice Mayor Tarr to authorize the use of Memorial Park for June 22 and 23, 1996 for this event. Unanimously approved.

10. Consider Ordinance Committee Recommendations.

a. Councilman Smith stated the Ordinance Committee recommends the elimination from Town Ordinances Section 8-17 in its entirety. The Town Council placed a moratorium on this ordinance 17 months ago. The moratorium has produced no problems with on two complaints concerning weeds within the 17 month period.



Sec. 8-17. Provisions regulating the accumulation of grass, weeds, and other foreign growth on certain defined real estate within the Town of Chincoteague.

Sec. 8-17.1 General Provisions.

(a) Every person, firm, association, or corporation owning vacant developed real estate or property as herein defined, within the corporate limits of the Town of Chincoteague, shall cut the grass, weeds and other foreign growth at such times as such grass, weeds, or other foreign growth thereon exceeds a height of ten (10) inches on the following areas or parts thereof:

- (1) Such area or part that is within 20 feet of any structure thereon, and
- (2) Such areas or part that is within 10 feet of any public street, alley, or right-of-way, and
- (3) Such area or part that is within 10 feet of the property line of any real estate owned by any other person, firm, association, or corporation.

(b) Every person, firm, association, or corporation owning undeveloped real estate or property, as herein defined, within the corporate limits of the Town of Chincoteague, shall cut the grass, weeds, and other foreign growth thereon at such times as such grass, weeds, and other foreign growth thereon exceeds a height of ten (10) inches on the following area or parts thereof:

- (1) Such area or part that is within 10 feet of any public street, alley, or right of way, and
- (2) Such area or part that is within 10 feet of the property line of any real estate owned by any other person, firm, association, or corporation.

Sec. 8-17-1. Definitions.

(a) Vacant developed real estate or property

- (1) Any parcel of land which has an existing water service and/or electric service connection on said parcel but without any structures thereon, or
- (2) Any parcel of land which has a main structure or group of structures erected thereon, which structure or structures have not been resided in, or used for business, commercial, or industrial purposes, for a period of forty-five (45) consecutive days or a period of sixty (60) total days within any ninety (90) day period.

(b) Undeveloped real estate or property.

- (1) Any parcel of land which does not have an existing water service and/or electric service connection, or does not have a main structure or group of structures thereon.

Sec. 8-17-3. Cutting by town after notice and assessment therefore.

In the event any such person, firm, association, or corporation owning any such real estate as defined under Sec. 8-17-1 hereof shall fail to cut such grass, weeds, or other foreign growth as herein prescribed, the Town of Chincoteague may give such owner or owners as shown on the real estate tax records of the town written notice by registered or certified mail at the address shown on said records of the provisions and requirements

hereof, such owner or owners' violation, and that if such owner or owners do not comply with the provisions herewith within ten (10) days from the posting of said written notice the town may have such grass, weeds, or other foreign growth cut by its agents or employees, in which event the costs and expenses thereof shall be chargeable against said real estate and constitute a lien thereon, and be collected by the Town as taxes and levies as collected.

Sec. 8-17-4. Penalty.

Any person, firm, association, or corporation violating any provision hereof shall be guilty of a misdemeanor and upon conviction thereof shall be confined in jail for not more than twelve (12) months and fined up to Five Hundred Dollars (\$500.00), either or both. Each day in violation shall constitute a separate offense.

Sec. 8-17-5. Severability.

Should any section, paragraph, sentence, clause, or phrase of this Section 8-17 et seq. be declared unconstitutional or invalid for any reason, the remaining provisions shall not be affected thereby.

Sec. 8-17-6. Authority.

The provisions hereof are adopted pursuant to inter alia authority contained in Sec. 15.1-11 of the Code of Virginia of 1950, as amended; Chapter 2 Sec 1 (21), (44), (48), (50), and (60) of the Town Charter; and Sec. 15.1-901 of the Code of Virginia of 1950, as amended.

Sec. 8-17-7. Repeal of prior ordinances or provisions.

The provisions of Section 8-17 of this Code as in force and effect prior to the effective date of the adoption of the provision hereof, are hereby deemed to be repealed.

Sec. 8-17-8. Effective date.

The effective date of this Section 8-17 et seq. shall be upon adoption - July 18, 1991. (6-2-75) (6-4-79) (4-7-80) (7-18-91)

Councilman Smith moved, seconded by Vice Mayor Tarr to delete Section 8-17 from the Town Ordinances. Voting for: Councilman Smith, Vice Mayor Tarr, Councilman Taylor, and Councilman Howard. Voting against: Councilman Tolbert. Motion carried.

b. Councilman Smith stated Section 8-3 of the Town Ordinances addresses fill material and permission by the Town Council to fill land. The last recorded request was in 1979. Accomack County does not have a fill ordinance on the books and should be more concerned with groundwater contamination than Chincoteague.

Sec. 8.3. Fill Material.

No garbage or offensive or disease producing materials, trash or other refuse, shall be dumped in any lot or space within the town for the purpose of filling or for any other purpose, without the consent of the town council. (11-6-61)

Councilman Howard asked if this ordinance is deleted will the door be open for other problems. Town Attorney Poulson stated no. The Federal Government and State statues will address this situation.

Councilman Smith moved, seconded by Councilman Tolbert to delete Section 8-3 from the Town Ordinances. Unanimously approved

c. Proposed Amendments to the Causeway Sign Policy adopted March 24, 1994.

1. Eastern Advertising will be allowed to maintain two signs along the causeway advertising their business by opening a business on Chincoteague.
2. Add to existing policy: 14. Sign companies will be allowed to maintain two (2) existing signs at all time for the purpose of displaying "Sign for rent" in some fashion. (3-5-96)
3. Add to the end of Policy number 5: A blank sign shall be defined as a sign with NO message displayed on the billboard. (3-5-96)
4. Allow a 90-day extension beginning from March 24, 1996 for Eastern Advertising to bring the 14 signs into compliance.
5. The Martin Estate sign has not advertised a business in over a year, the estate has been notified that the sign is to come down. It is the recommendation of the committee for Public Works to remove the sign.

Mayor Thornton objects to a business not located on the Island, but is required to obtain a Town business license, not being allowed to advertise on the causeway. Councilman Smith stated the Ordinance Committee held public hearings and presented the policy to Council which was adopted. Now it is time to enforce the policy or Council needs to change the policy. Councilman Tolbert suggested anyone holding a current Town of Chincoteague business license be allowed to advertise on a causeway sign.

Councilman Smith moved to adopt the proposed amendments to the Causeway Sign Policy as presented.

The owner of Island Manor House feels Council should stand by its policy and limit the remaining signs on the causeway.

Mrs. Davis of Eastern Advertising stated with the removal of the signs facing east, signs voluntarily removed, and those lost in storms, the number of signs has been reduced by approximately 20.

Councilman Smith withdrew his motion until the March Work Session when all members of the committee may be present.

Councilman Tolbert moved, seconded by Councilman Taylor to amend item 1 of the existing policy to allow anyone holding a valid Town Business License to advertise on a causeway sign consistent with the policy. Voting for: Councilman Tolbert, Councilman Taylor, Vice Mayor Tarr. Voting against: Councilman Smith and Councilman Howard. Motion carried.

11. Municipal Center Construction Progress Meeting Schedule Change.

Town Manager Baker stated since the last progress meeting was two weeks ago, it is recommended the next meeting be held on March 15, 1996.

Councilman Tolbert moved, seconded by Councilman Taylor to reschedule the Municipal Center Construction Progress Meeting for March 15, 1996. Unanimously approved.

The Community Center is scheduled to be turned over to the Authority the week of July 5, 1996. The Public Works building is schedule to be turned over to the Town during the week of May 23, 1996. The Public Works shed is scheduled to be turned over to the Town in the middle of April. A schedule for the municipal building has not been set because the contractor has not received a delivery date.

12. Other Old Business.

-Town Attorney Poulson stated he is working on amendments to the Meals Tax, Transient Occupancy Tax and Business License Ordinances which would provide the Town more enforcement power.

-Councilman Howard asked for an update on the deer situation on the Island. Chief Dize stated the Virginia Game Commission has not yet toured the Island.

13. Consider Payment Request from M.L. Blades.

Councilman Tolbert moved, seconded by Vice Mayor Tarr to accept the Building Committee's recommendation for Payment Request #2 to M.L. Blades less amount for supplies not yet on site. Unanimously approved.

14. Consider Rescheduling the April Council Meeting.

The National Hurricane Conference is scheduled for April 2 through 6, 1996. April 1 is a travel day to the conference. The April regular Council meeting is scheduled for April 1. Since Mayor Thornton, Vice Mayor Tarr, Councilman Tolbert, and Town Manager Baker are scheduled to attend the conference it is recommended the Council meeting be rescheduled for April 8, 1996.

Councilman Smith moved, seconded by Councilman Howard to reschedule the April meeting to April 8, 1996 at 7:30 p.m. Unanimously approved.

15. Falcon Cable Request for Approval of Proposed Rate Increase.

The Town has received a request from Falcon Cable for a rate increase effective April 1, 1996.

|           | <u>Existing Rate</u> | <u>Proposed Rate</u> | <u>Increase</u> |
|-----------|----------------------|----------------------|-----------------|
| Basic     | \$17.21              | \$17.53              | \$0.32          |
| Tier      | \$ 6.71              | \$ 7.96              | \$1.25          |
| Satellite | \$ 4.75              | \$ 4.96              | \$0.21          |
| Converter | \$ 0.99              | \$ 2.62              | \$1.63          |

Total Increase \$3.41 per month

Councilman Smith moved, seconded by Councilman Howard to oppose the proposed rate increase by Falcon Cable. Unanimously approved.

16. Other New Business.

-Mayor Thornton informed Council of the Transportation Board's approval for the new bridge entrance to be as close as possible to the north of the existing bridge.

-Mayor Thornton thanked Mrs. Nancy Conklin for her efforts in the Island Beautification. The Town received an award in this regard from the Commonwealth of Virginia.

**The next meeting of the Town Council will be March 21, 1996.**

17. Executive Session.

Councilman Smith moved, seconded by Councilman Howard to go into Executive Session under Section 2.1-344 of the Virginia Code to consult with legal counsel; unanimously approved.

Councilman Howard moved, seconded by Councilman Taylor to reconvene in Regular Session; unanimously approved.

Councilman Howard moved, seconded by Councilman Taylor to adopt a resolution of certification of the Executive Session;

WHEREAS, the Chincoteague Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public

business matters as were identified in the motion convening the executive meeting were heard discussed or considered by the Town Council.

VOTE: Ayes - Howard, Taylor, Tarr, Smith Tolbert  
Nays - NONE  
Absent - Leonard

ATTEST: \_\_\_\_\_  
Town Manager

18. Lease of Town Dock.

Councilman Tolbert moved, seconded by Vice Mayor Tarr to advertise the Town Dock for lease under the same terms as in previous years. Unanimously approved.

19. Land Use for Shell Stock.

Vice Mayor Tarr moved, seconded by Councilman Tolbert to continue to allow Mr. Michael McGee use of East Side property for shell stocks with time limits and under condition the land be returned in the same condition. Unanimously approved.

20. Adjournment.

Councilman Taylor moved, seconded by Councilman Howard to adjourn the meeting at 10:40 p.m. Unanimously approved.

|   |                       |
|---|-----------------------|
| _____<br>Mayor  | _____<br>Town Manager |
| MINUTES OF THE MARCH 21, 1996<br>CHINCOTEAGUE TOWN COUNCIL WORK SESSION/SPECIAL MEETING |                       |

Council Members Present

Harry S. Thornton, Mayor  
John H. Tarr, Vice Mayor  
Terry Howard, Councilman  
Donald J. Leonard, Councilman  
H. Austin Smith, Councilman  
John R. Taylor, Jr., Councilman  
Fred H. Tolbert, Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Taylor offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led the Pledge of Allegiance.

4. Introduction of Part Time Employee.

Chief Dize introduced Mr. Robby Fisher as a new part time police officer in the Chincoteague Police Department. Council welcomed Mr. Fisher. Mr. Fisher stated he was happy to be back to work for the Chincoteague Police Department.

5. Causeway Sign Policy.

Mayor Thornton read the amended policy adopted by the Council at the March 4, 1996 meeting.

Council discuss the other amendments proposed at the last meeting and a question concerning the conducting of business on Chincoteague versus holding a valid Town of Chincoteague Business License. Council decided if a business holds a valid Town of Chincoteague Business License, that business can advertise on an available sign on the causeway.

After much discussion, Councilman Tolbert moved, seconded by Councilman Taylor to delete the last sentence of Item 1 of the policy which read "Time limit for removal shall be two (2) years from the effective date of this policy.". Add the following sentence to Item 5 "A blank sign shall be defined as a sign with no message displayed on the billboard." Add additional Item 14 "Sign companies will be allowed to maintain two (2) existing signs at all time for the purpose of displaying "Sign for rent" in some fashion." Voting for: Councilman Tolbert, Councilman Taylor and Vice Mayor Tarr. Voting against: Councilman Smith, Councilman Howard and Councilman Leonard. There being a tie, Mayor Thornton cast his vote for the changes. Motion carried.

6. Consider Design of New Town Seal.

On April 4, 1994, Council voted to design a new Town logo and seal highlighting the seafood industry and tourism. Mayor Thornton has talked with Chincoteague High School Principal, Ron Booker to have the Art Department at Chincoteague High School to provide the Council with design suggestions. Council will review the designs at the April 18 meeting.

7. Street Name Needed for Municipal Center for Addresses.

A couple months ago, the Town Manager asked Council to consider a name for the new road which will service the Municipal Complex and Community Center. A name must be given to the street prior to address numbers being assigned to the building.

Councilman Taylor suggested "Chincoteague Plaza".

Councilman Howard suggested advertising for suggestions on cable channel 9.

Mayor Thornton asked Chincoteague High School Principal, Ron Booker, if the students would make suggestions to the Council for a street name.

All suggestions will be needed by April 15, 1996. Council will review the suggested names at the April work session/special meeting.

8. Fourth of July Fireworks Donation.

Councilman Tolbert asked that the \$1,000.00 donation toward the July 4th fireworks be forwarded to the Chincoteague Volunteer Fire Company.

Councilman Taylor moved, seconded by Vice Mayor Tarr to forward the \$1,000.00 donation to the CVFC. Unanimously approved.

9. Request for Use of Tarps within State Right-of-way at Famous Pizza.

Mr. Kenneth Lewis has received a request from Mrs. Lance Campbell operators of Famous Pizza to attach tarps to the building and extend into the parking area (which is part of the State right-of-way) on Saturday, April 13, 1996. The Campbells are planning a private party for their daughters 16th birthday. They will have a D.J. who will set up on the porch. The party is scheduled from 7 p.m. to 11 p.m. Although there does not appear to be a problem with the Town's noise ordinance, there is a question of the use of the tarps.

Councilman Taylor moved, seconded by Councilman Smith to approve the placement of tarps for the event. Unanimously approved.

10. Main Street Water Line Replacement Project.

Councilman Smith asked for an update of the Main Street Water Line Replacement Project and paving.

Vice Mayor Tarr stated the paving for early June is now on schedule from Taylor Street to Beebe Road. Taylor Street to Daisey Street will be paved in the fall.

11. After-Prom Activities for Chincoteague High School.

Mrs. Cindy Downing, Assistant Principal of Chincoteague High School, presented Council with the school's after-prom activities. The parents, students, community and administration is working on a celebration after the prom to be held at the Chincoteague Elementary School on May 18, 1996 between 1 a.m. and 5 a.m. The celebration is sponsored by Parents Active with Students for Safe Socials (PASSS). Mrs. Downing stated that due to the location of the celebration site, the school is asking for a one night waiver from the Town's Noise Ordinance. They have secured the signatures of residents in the immediate area who would not object to the waiver.

Councilman Howard moved, seconded by Councilman Tolbert to grant the waiver from the Town's Noise Ordinance for the after-prom celebration on May 18, 1996. Unanimously approved.



Councilman Tolbert moved, seconded by Councilman Howard to make a \$200.00 donation to PASSS to assist with the expenses of the after-prom celebration. Unanimously approved.

12. Executive Session.

Councilman Howard moved, seconded by Councilman Taylor to go into Executive Session under Section 2.1-344 of the Virginia Code to discuss possible litigation; unanimously approved.

Councilman Howard moved, seconded by Councilman Smith to reconvene in Regular Session; unanimously approved.

Councilman Tolbert moved, seconded by Vice Mayor Tarr to adopt a resolution of certification of the Executive Session;

WHEREAS, the Chincoteague Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard discussed or considered by the Town Council.

|              |   |
|--------------|---|
| VOTE: Ayes - | Tolbert, Tarr, Taylor, Howard, Smith, Leonard |
| Nays -       | NONE  |
| Absent -     | NONE  |

ATTEST: \_\_\_\_\_  
Town Manager

13. Adjournment.

Councilman Leonard moved, seconded by Councilman Howard to adjourn the meeting at 8:45 p.m. Unanimously approved.

\_\_\_\_\_

\_\_\_\_\_

Mayor

Town Manager

**MINUTES OF THE APRIL 8, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING**

Council Members Present

Harry S. Thornton, Mayor

John H. Tarr, Vice Mayor

Terry Howard, Councilman

Donald J. Leonard, Councilman

H. Austin Smith, Councilman

John R. Taylor, Jr., Councilman

Fred H. Tolbert, Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Smith offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Minutes of the March 4 and 21, 1996 Meetings.

Councilman Taylor moved, seconded by Councilman Smith to approve the minutes of the March 4 and 21, 1996 meetings as presented. Unanimously approved.

5. Council Information Items.

Town Manager Baker stated the next meeting of the Beach Committee will be Tuesday, April 9, 1996 at 9 a.m.

Councilman Howard asked about the Town Attorney's updates to the Transient Occupancy Tax, Meals Tax, and Business License Ordinances. Town Manager Baker stated the Town Attorney has brought some information with him this evening which will be discussed later.

6. Committee Reports.

Mayor Thornton announced that the Community Center has received \$10,000 from the State for paving of the parking lot. A thank you letter needs to be sent to Senator Norment and Delegate Bloxom for their efforts in this regard.

7. Public Participation.

-Mr. Glenn Wargo asked what the problem is with the chair lift in the Firehouse. Mayor Thornton indicated a new chair lift has been ordered by the Fire Company. If someone needs assistance reaching the second floor to notify the Town Office that assistance is needed and arrangements will be made.

-Mr. Bob Potter representing the Ruritan Club asked permission to place circus ticket posters on DP&L poles for advance notice. The Ruritan Club has permission from DP&L to place poster on the poles. Town Manager Baker explained the conflict with the Town's Zoning Ordinance. Councilman Smith moved, seconded by Councilman Leonard to allow the Ruritans to post posters on DP&L poles. Unanimously approved.

-Mr. Parker Selby, President Chincoteague Volunteer Fire Company stated the Fire Company held a special meeting this evening. The Fire Company voted to eliminate the Red Line on the north side of the firehouse and replace it with "Parking for Firemen Only". Councilman Howard moved, seconded by Councilman Smith to grant this request. Unanimously approved.

Mr. Selby also stated the Fire Company voted to allow Crofton Diving to remain on the carnival ground property until May 24, 1996.

-Chief Dize introduced the newest member of the Chincoteague Police Department. Magnum is a 1 1/2 year old German shepherd from Czechoslovakia. Captain Lewis will be the dog's handler. Captain Lewis and Magnum will be attending a three week training course shortly. Magnum should be on duty by mid-May.

-Mrs. Nancy Conklin asked Council to enlarge the openings around the trees in the downtown area by 12 inches on either side. Mrs. Conklin also requested a brick border be built around the openings. Councilman Taylor moved, seconded by Vice Mayor Tarr to grant this request. Unanimously approved.

-Mrs. Ruth Patzig stated she is very concerned with the deer problem on the Island. The problem would have been easier to resolve in the fall; now the deer are multiplying. There is a tick problem. The problem is not only during the summer, but every month of the year. Mrs. Patzig stated this is a serious problem to the community and needs immediate resolution. Chief Dize stated the Biologist from the game commission has not yet surveyed the Island. The biologist after surveying will present several options to resolve the problem.

Mayor Thornton stated the U.S. Fish & Wildlife will be extending their hunting area next year to the Wildcat area. They also hope to have white tail deer hunting.

Mrs. Patzig feels this is a Health Department problem and not one for Chief Dize.

Any action must be approved by the Game Commission. In response to one suggestion to relocate the deer, the problem is statewide, therefore there is not a place to relocate them.

Councilman Howard suggested Mayor Thornton address a letter to the Game Commission formally asking for assistance.

8. Consider Amendments to Town Personnel Policy.

The Budget and Personnel Committee recommends the addition of a Sick Leave Bank and other minor amendments to the Town's Employee Handbook.

Councilman Tolbert moved, seconded by Councilman Howard to adopt the amendments as presented. Unanimously approved.

**1. Cover Page** - Replace Councilwoman Thornton's name with Councilman Leonard's name.

**2. Page 28, Section 302** - Delete paragraph after Vacation Earning Schedule. "The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time after the introductory assignment and the first full pay period after eligible date. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual Leave of absence policies for more information.)"

**3. Page 30, Section 303** - Add another sentence to the end of third paragraph. "Off-duty Police Officers are considered eligible for wages of one shift at the straight time rate."

**4. Pages 32, Section 304** - Delete paragraph "For any illness which expends all leave, the employee will be advanced sick leave and annual leave equal to the amount he would normally accrue in the next 12 month period and will cease to accrue any such leave for the next 12 month period. If the employee is not able to return to work upon the use of the advanced leave all benefits for which the employee is eligible will continue to accrue to the employee for a period of six months, with the employee continuing to cover all costs of the benefits. If the employee is still incapacitated at the end of six months or the time the employee fails to pay the cost of his benefits, whichever occurs first, his employment will be terminated by the Town. The employee will be encouraged to apply for Disability Retirement under the Virginia Retirement System during the six month period."

**5. Pages 32-32B, Section 304** - Add provisions for Sick Leave Bank.

The Town of Chincoteague will establish a Sick Leave Bank effective July 1, 1996 for the use of eligible employees. The purpose of the Sick Leave Bank is to provide additional sick leave for those who have prolonged or long-term illness or injury and who have exhausted their sick leave. To enable the Town to provide this benefit, two-thirds (2/3) of all eligible employees must agree to participate in accordance with the terms that are listed below:

**MEMBERSHIP REQUIREMENTS**

1. Eligible employees are regular full-time employees.
2. Membership in the Sick Leave Bank is voluntary on the part of eligible employees.

#### ENROLLMENT

1. The enrollment period is the month of July or upon completion of the ninety day introductory period for personnel employed after the month of July.
2. An eligible employee enrolls for initial membership by completing the prescribed application and contributing one sick leave day to the bank.
3. Each participating employee will be automatically assessed one (1) sick leave day upon enrollment and one (1) sick leave day annually during July of each year until the established level is met.

#### ADDITIONAL ASSESSMENTS

1. As a continuing member of the Sick Leave Bank, one will be assessed an additional sick leave day only at such times as the bank falls below 90 days.
2. Notification shall be sent to each member at the time an assessment is determined to be necessary. Automatic assessment shall be made when the bank falls below the established level. (Membership in the Sick Leave Bank can be terminated during the month of July in any year following initial enrollment. However, membership is established on an annual basis and members can only withdraw during an enrollment period.)
3. A member not having a sick leave day to contribute at the time of any assessment shall automatically be assessed the first sick leave day subsequently earned.

#### BENEFITS

1. A maximum of thirty (30) days each year may be drawn by any one member from the bank.
2. the first thirty (30) calendar days of illness or injury will not be covered by the bank but must be covered by the employee's own accumulative sick leave or leave without pay.
3. A member of the bank will not be able to utilize sick leave bank benefits until his/her sick leave is depleted.

4. If an eligible employee suffers a relapse within thirty working days due to the same illness or injury which necessitated initial utilization of the bank, and has not used all of the thirty (30) days maximum from the bank in that one year, the member need not meet another thirty day waiting period.
5. Members utilizing sick leave days from the bank shall not have to replace the days used.

## GUIDELINES

1. Use of days from the Sick Leave Bank is confined to the member's personal illness. Leaves of absence granted under Section 600 of the Town of Chincoteague Employee Handbook are specifically excluded from the benefits provided by the Sick Leave Bank. No employee on Workman's Compensation shall be permitted to draw from the bank.
2. Requests for the use of sick leave days from the Sick Leave Bank must be submitted to the Town Manager on the prescribed form. The employee must also have his/her physician complete a section of the prescribed form.
3. Upon termination of employment or withdrawal of membership from the bank, a participating employee will not be permitted to withdraw or be paid for contributed days.
4. If the Sick Leave Bank shall become inoperative for any reason, the sick leave day in the bank shall be distributed to those members receiving benefits. From the remaining balance, each participating member will be credited with an equal amount of sick leave, if a sufficient number of days exists. If an insufficient amount prevents this action, then the Sick Leave Bank will terminate and no further distribution will be made.
5. If the Sick Leave Bank becomes inoperative for any reason, the Town will not be held responsible to anyone currently drawing from the bank or to anyone then eligible or who may thereafter become eligible to draw from the bank.
6. **Page 34, Section 306 -** Add the following: "All full-time employees will participate in Group Life Insurance through the Virginia Retirement System. The amount of insurance coverage is based on the employee's salary. Employees will have a percentage of their pay deducted from life insurance. The Town will also make a contribution to the employee's life insurance. All employees are subject to the rules and guidelines set by the VRS. Life insurance participation shall start at the beginning of the first month following successful completion of a 90-day introductory period. Additional life insurance is also available from VRS. This additional life insurance is optional. The cost of additional life insurance is the responsibility of the employee and will be deducted from the employee's pay.

Employees are responsible for maintaining up-to-date beneficiary information."

9. Consider Readoption of Drug and Alcohol Policy.

Councilman Smith moved, seconded by Councilman Taylor to readopt the Drugs, Narcotics and Alcohol Policy as presented. Unanimously approved.

## **TOWN OF CHINCOTEAGUE, VIRGINIA DRUGS, NARCOTICS AND ALCOHOL POLICY**

### **PURPOSE**

The Town of Chincoteague recognizes alcohol and drug abuse is a serious problem across America. It is the goal of the Town to establish and maintain a safe and healthy workplace for its employees, free from drug and alcohol. It is also our goal to protect the safety of our citizens by providing the highest quality of service.

The Town is committed to a drug-free/alcohol-free workplace. The use of alcohol, illegal drugs, or the misuse of prescription drugs is not acceptable in the Town workplace. Such behavior seriously affects job performance and can create danger to citizens and coworkers. In addition, the use of illegal drugs is not acceptable any time or place. All employees must comply with this Policy. Violations of this Policy will result in discipline, up to and including termination, or not being considered for employment.

### **POLICY**

It is the policy of the Town of Chincoteague to maintain all work sites as drug-free/alcohol-free workplaces.

Employees will not unlawfully manufacture, use, purchase, sell, possess, distribute, or accept illegal drugs or drug-related paraphernalia in the workplace and/or while on the job.

Employees will not unlawfully manufacture, use, purchase, sell, possess, distribute, or accept alcohol in the workplace and/or while on the job.

Employees will not show up for work or be on the job while impaired by illegal drugs, alcohol, and/or prescriptions or nonprescription drugs or medications.

Employees will not transport illegal drugs, drug-related paraphernalia, and/or alcoholic beverages in a Town-owned vehicle.

"Workplace" means any site for the performance of work by the employee, including but not limited to any Town building or premise, any Town-owned vehicle or equipment; any building or premise used by the Town for Town business; and any non-Town property during any Town-sponsored activity, event, or function. "Workplace" also includes Town-owned property such as, but not limited to employee offices, desks, lockers, safes, file cabinets, tool boxes, etc.

As a condition of employment, each employee shall notify his or her supervisor of his or her conviction of any criminal drug statute no later than five (5) days after such conviction.

As a condition of employment, each employee shall abide by the term of this Town policy and regulations respecting a drug-free/alcohol-free workplace.

All Town work sites and all Town-owned property are subject to drug detection inspection at the discretion of the Town.

The possession and/or consumption of illegal drugs or alcoholic beverages in the workplace is prohibited. Violation of this policy and regulations will result in appropriate disciplinary action up to and including termination.

Town sworn law enforcement officers are exempt from the purchase and transport of illegal drugs if such purchase or transport is in performance of their assigned duties. Storage of illegal drugs will be in accordance with Police Department policy.

All employees will sign a written receipt that they have received a copy of this policy.

## **DRUG AND ALCOHOL TESTING**

Drug and/or alcohol tests shall be required in the following cases:

1. Where an applicant for any full-time Town position has been given a conditional offer of employment, subject to passage of a drug test.
2. Where an employee in a Town position critical to the safety and security of employees or citizens has been selected for a random drug test by lottery selection.
3. Where there is reasonable suspicion that any Town employee, despite position or employment status, is under the influence of illegal drugs or alcohol; or
4. Where a Town employee, despite position or employment status, authorized to return to work at the recommendation of the Town's Medical Review Officer (MRO) and the Town Manager after testing positive for drug or alcohol use; testing may occur on an unannounced basis for 12 months following the employee's return to work.
5. As required by the Omnibus Transportation Employee Testing Act of 1991, Regulations of the Federal Highway Administration (49 CFR, Parts 40 and 382 et al). All employees and applicants who hold or are offered a position that requires a Commercial Driver's License (CDL) as a condition of employment and continued employment will be tested for drugs and alcohol under the following conditions:
  - a. Pre-employment
  - b. Random selection
  - c. Post-accident



- d. Reasonable suspicion
- e. Return to work after testing positive and follow-up.

A refusal to immediately submit to a drug/alcohol test when requested under the circumstances above or a verified finding of alcohol or illegal drug use may result in withdrawal of a conditional offer of employment or disciplinary action up to and including termination.

Drug and/or alcohol tests may be required as part of an annual physical examination, if such physical examination is required by the Town.

## **TEST PROCEDURES**

The administration of the Drug and Alcohol Testing Program will be in accordance with the Department of Transportation Regulation, Federal Highway Administration and the Drug-Free Workplace Act of 1986. Detailed provisions are listed in the regulations regarding collecting, labeling, and transporting the sample. Specific requirements regarding confidentiality are also included. An Evidential Breath Testing device operated by a trained Breath Alcohol Technician (BAT) will be used to test for presence of alcohol. Urinalysis will be used for the detection of controlled substances. All employees tested are required to sign an authorization and consent form releasing the information to the employer. The cutoff level for each substance tested for, both drugs and alcohol, will be consistent with those currently recommended by the Federal Department of Transportation guidelines. Failure to appear for testing without prior notice acceptable to the Town will be considered refusal to participate in the testing and will subject the employee to the full range of disciplinary action, up to and including termination; or in the case of an applicant, the rescinding of a conditional offer of employment. The cost for drug/alcohol tests will be borne by the Town.

All drug/alcohol testing information specifically relating to employees and applicants is confidential and should be treated as such by anyone authorized to review such information. In order to implement this program efficiently and make information readily retrievable, the Town Manager's Office shall maintain all records relating to reasonable suspicion, suspicion of tampering with evidence, and other authorized documentation necessary to implement and maintain this program.

All records and information of any personnel actions taken on employees with verified positive test results shall be maintained in confidential and secured files in the Town Manager's Office and disseminated only to authorized individuals on a confirmed "Need to Know" basis as determined by the Town Manager.

**Drug Testing** - Drug testing of the sample will be performed by a laboratory approved by the National Institute on Drug Abuse (NIDA), including a NIDA panel screening with gas chromatography/mass spectrometry (GC/MS) confirmation on all positive tests. The panel includes screening for amphetamines, marijuana, cocaine, opium, and phencyclidine (PCP). Any employee subject to testing under this plan will be permitted to provide urine specimens in a manner such that the employee is not observed while actually providing the

specimen, unless there is reason to believe that the employee has altered or substituted the urine specimen provided. If it is determined that the employee has altered or substituted the urine specimen provided, the employee will be immediately terminated.

When a confirmed positive test result for drugs has been returned by the laboratory, the tested employee will be given an opportunity to provide to the MRO appropriate and corroborated information to demonstrate the confirmed positive test result is from a legally prescribed medication or other ingestion. Evidence to justify a positive test result may include, but is not limited to:

1. A valid prescription; or
2. A verification from the individual's physician verifying a valid prescription.

If the MRO determines there is a lack of legitimate reason for the positive result, the result will then be considered a verified positive test result. The MRO will timely and confidentially notify the Town Manager in writing of the verified positive test result. An employee whose urine sample has tested positive for a controlled substance has the option (within 72 hours of being notified) of having the other portion of the split sample tested at another laboratory. If the second portion of the sample also tests positive, then the employee is subject to the sanctions contained in the regulations. If the second portion produces a negative result, or for any reason the second portion is not available, the test is considered negative and no sanctions are imposed. The retest will be at the employee's expense. If the test results are positive the employee must be evaluated by a Substance Abuse Professional (SAP) prior to returning to work. A Return-To-Duty test must be conducted prior to returning to the job. The employee will be subject to a minimum of six (6) unannounced follow-up drug tests in the first twelve (12) months following the positive result.

The laboratory may disclose laboratory test results only to the MRO. Any positive result which the MRO justifies by acceptable and appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of drugs will be treated as a negative test result and may not be released for purposes of identifying drug use/misuse.

**Alcohol Testing** - If the results of the employee's alcohol test indicate a blood alcohol concentration of .02% or greater, but less than .04%, the employee will be suspended without pay and shall not be permitted to perform the duties of a position that requires a CDL for at least 24 hours and a retest that indicates a blood alcohol level (BAL) of less than .02%. If the blood alcohol concentration is greater than .04% the test is considered a positive result and the employee must be evaluated by a SAP. Return-To-Duty tests must be conducted prior to returning to the job. The employee will be subject to a minimum of six (6) unannounced follow-up alcohol tests in the first twelve (12) months. All positive tests will be confirmed by a second test. The results of these tests will be reported immediately to the Town Manager. A positive test result on any Return-To-Duty test will result in immediate termination.

## **GUIDELINES FOR REASONABLE SUSPICION**

## **TESTING**

The following guidelines are provided as an aid in administering and enforcing the Town's Drug-Free Workplace Policy. They are not meant to cover every situation; however, they are designed to help avoid allegations of unlawful treatment. These guidelines cannot be used as a substitute for good judgment; each situation must be reviewed on a case-by-case basis. When a supervisor, in his or her judgment, has reason to believe that an employee has used and is under the influence of drugs or alcohol, the supervisor should ask his or her supervisor to corroborate the observations. The following examples, alone or in combination, may comprise reasonable suspicion. The list is not all inclusive.

1. Unexplained inability to perform normal job functions.
2. Slurred speech.
3. Smell of alcohol or drugs on breath.
4. Any unusual lack of physical coordination or loss of equilibrium.
5. Unexplained hyperactivity or depression and withdrawal.
6. Unexplained inability to think or reason at the employee's normal level.
7. Bizarre behavior.
8. Possession of alcohol or illegal drugs; or the presence of alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee's control.
9. Information provided by a reliable and credible person.

If during normal working hours reasonable suspicion is confirmed, the supervisor shall contact the Town Manager to discuss the observations and to determine the appropriate course of action. If the employee is to be tested, the Town Manager's Office shall be notified to make the arrangements for the necessary drug and/or alcohol tests. The employee will be transported to the testing site. If the reasonable suspicion is confirmed outside of normal working hours, then the supervisor shall arrange to have the employee transported to the testing site.

If the employee refuses to be tested, the employee shall be immediately suspended from duty without pay and transported home. The refusal of an employee to submit to a reasonable suspicion test shall comprise insubordination and may be the basis for disciplinary action, up to and including termination.

The supervisor, after it is determined that an employee will be tested, shall document, in writing within 24 hours of the observed behavior, the conduct giving rise to the reasonable belief of drug or alcohol use. The documentation should include any statements made and any actions taken by any persons involved in the incident. All records should be immediately forwarded to the Town Manager.

For the purposes of maintaining a workplace free of drugs and alcohol, the Town of Chincoteague will maintain the right to search the lockers, file cabinets, desks, other Town-owned or provided fixtures, and fixtures owned by the employees, but used for Town business.

# **TOWN OF CHINCOTEAGUE, VIRGINIA**

## **DRUGS, NARCOTICS AND ALCOHOL POLICY**

I HAVE RECEIVED A COPY OF THE TOWN OF CHINCOTEAGUE'S DRUG, NARCOTICS AND ALCOHOL POLICY. FURTHER, I AGREE TO THE TERMS CONTAINED IN THE POLICY.

\_\_\_\_\_  
Applicant/Employee Signature

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Witness

\_\_\_\_\_  
DATE

### **10. Consider Approval of Drug/Alcohol Testing and DOT Compliance Services Agreement.**

Under Department of Transportation Regulations along with the policy just adopted by the Council, testing services are needed for compliance. The Town tried locally to obtain such services, however the procedure was difficult. The Town has received a proposal for testing services from Safety Management, Inc. Safety Management, Inc. offers full range drug testing, including collection facilities nationwide, providing all necessary forms and materials, random testing and Medical Review Officer. They provide mobile on-site testing and collection, and training, 24 hour availability, and professional liability insurance

### **PROVIDER SERVICES AND FEE SCHEDULE**

1. **Annual Fee For Services.** Customer shall pay Provider an annual fee of \$150.00 for the provision of Services in accordance with this Agreement.
2. **Alcohol Testing.** Alcohol tests are tests performed using screening and evidential testing devices approved by the National Highway Traffic Safety Administration ("NHTSA") as reflected by publication in the NHTSA Conforming Products List by trained and certified breath alcohol technicians. **BUNDLED PRICES** for alcohol tests include both screening and confirmation tests.

#### **Specific Service**

#### **Fee for Service**

DOT alcohol breath test, on  
site/10 or more same time as urine

\$ 25.00 per test

DOT alcohol breath test  
performed by Onley Medical

\$ 35.00 per test

Non-DOT alcohol breath test

\$ 25.00 per test

Non-DOT blood alcohol screening test

\$ 27.00 per test

3. Drug Testing. Drug tests are tests performed using chain-of-custody collection, SAMSHA/NIDA testing laboratories certified by the Department of Health and Human Services for such testing and radical review officers qualified and certified to review and report such test results. BUNDLED PRICES for drug tests include collection, laboratory testing, and MRO review.

| <u>Specific Service</u>  | <u>Fee for Service</u> |
|--|------------------------|
| DOT drug test, collection at Onley or Atlantic Medical Center or on-site | \$ 49.50 per test      |
| Non-DOT drug test  | \$ 49.00 per test      |

4. Policies and Procedures. Provide assistance in tile preparation of policies and procedures related to Department of Transportation ("DOT") alcohol and drug testing requirements.

| <u>Specific Service</u> | <u>Fee for Service</u>           |
|-------------------------|----------------------------------|
| Preparation of Policies | \$750.00 fee or \$65.00 per hour |

5. Department of Transportation Compliance Services. DOT compliance services are services performed in accordance with the regulatory requirements of the DOT.

Councilman Howard moved, seconded by Councilman Smith to authorize Town Manager Baker to enter into the agreement with Safety Management, Inc. for employee drug and alcohol testing. Unanimously approved.

11. Delmarva Water Transport Committee Meeting.

The Delmarva Water Transport Committee will meet on April 26, 1996. Colonel Reardon, Norfolk District Engineer for the U.S. Army Corps of Engineers will be a speaker at the meeting. There are several issues which need to discussed with the Norfolk District Engineer. Council discussed issues pertinent to meeting with Colonel Reardon. Council members need to attend and contact Town Manager Baker by April 23 for reservations.

12. Consider Lease Proposals for Town Dock.

The Town received one proposal from their advertisement for lease of a portion of the Town Dock. Island Cruises submitted a proposal with a separate request to be allowed to load and unload passengers at the Town Dock other than between the hours of 4:30 p.m. to 8:30 p.m.

Councilman Taylor moved, seconded by Councilman Smith to grant lease to Island Cruises for a portion of the Town Dock from April 15 to November 15 for the loading

and unloading of passengers and approve their request for use outside 4:30 p.m. and 8:30 p.m.

Councilman Smith asked if the Town has received complaints concerning the parking of Island Cruises' passengers during previous lease periods. Town Manager Baker responded that the lease now obligates the lessee to have their passengers park two deep in trailer parking spaces which has eliminated a lot of the parking problem. Councilman Taylor stated there may be a problem during holidays.

Town Attorney Poulson stated a vote was needed on the original terms, then consideration can be given to a modification.

Councilman Taylor withdrew his motion. Councilman Smith withdrew his second.

Councilman Taylor moved, seconded by Councilman Smith to lease a portion of the Town Dock to Island Cruises from April 15 to November 15, 1996 for \$1400.00. Voting for: Councilman Taylor, Councilman Smith, Vice Mayor Tarr, Councilman Howard, Councilman Tolbert. Councilman Leonard abstained. Motion carried.

Councilman Tolbert moved, seconded by Councilman Taylor to accept the modification as requested. Voting for: Councilman Tolbert, Councilman Taylor, Vice Mayor Tarr, Councilman Howard, Councilman Smith. Councilman Leonard abstained. Motion carried.

#### 13. Chincoteague Police Department Incident Base Reporting.

Several months ago, the Chincoteague Police Department applied for a grant from the Virginia Criminal Justice Service for an Incident Base Reporting System. The Department was successful in obtaining the grant. The Department will be awarded \$18,850.00 on a 75/25 basis. The Chief sent out a Request for Proposals for the hardware and software. After review of the proposals received, the recommendation is to accept the proposal from Vision Software at a cost of \$18,655.00.

Councilman Tolbert asked if the State was going to review the software to insure it meets their specifications. Chief Dize stated the State Police certified four vendors which were the vendors sent the RFQ.

Vice Mayor Tarr moved, seconded by Councilman Taylor to accept the Chief's recommendation contingent upon State approval of Vision's software program in writing. Unanimously approved.

#### 14. Request for Installation of Water Main.

Ms. Billie Ray Lowton requested permission to install water main to her property which is not in compliance with the Water Ordinance. Vice Mayor Tarr stated the Public Works Committee addressed this matter and Ms. Lowton was to come before the Committee at their last meeting to discuss alternate routes. Ms. Lowton did not attend, therefore the

Committee instructed Mr. West to review the situation and apply the Water Ordinance accordingly. Mayor Thornton suggested Ms. Lowton attend the Public Works Committee meeting on April 25, 1996.

**The next meeting of the Town Council will be Thursday, April 18, 1996.**

15. Executive Session.

Councilman Howard moved, seconded by Councilman Smith to go into Executive Session under Section 2.1-344 of the Virginia Code to consult with legal counsel; unanimously approved.

Councilman Smith moved, seconded by Councilman Howard to reconvene in Regular Session; unanimously approved.

Councilman Howard moved, seconded by Councilman Smith to adopt a resolution of certification of the Executive Session;

WHEREAS, the Chincoteague Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard discussed or considered by the Town Council.

|              |   |
|--------------|---|
| VOTE: Ayes - | Howard, Smith, Tarr, Taylor, Leonard, Tolbert |
| Nays -       | NONE  |
| Absent -     | NONE  |

ATTEST: \_\_\_\_\_  
Town Manager

16. Adjournment.

Councilman Tolbert moved, seconded by Councilman Howard to adjourn the meeting at 9:15 p.m. Unanimously approved.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

**MINUTES OF THE APRIL 18, 1996**  
**CHINCOTEAGUE TOWN COUNCIL WORK SESSION/SPECIAL MEETING**

Council Members Present

Harry S. Thornton, Mayor  
John H. Tarr, Vice Mayor  
Terry Howard, Councilman  
Donald J. Leonard, Councilman  
John R. Taylor, Jr., Councilman  
Fred H. Tolbert, Councilman

Council Members Absent

H. Austin Smith, Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Overview of New Elementary School.

Dr. William Owings, Superintendent Accomack County Schools, presented an overview of the new elementary school plans which is scheduled to open September 1997. Dr. Owings stated the school will accommodate 346 students, will be totally air conditioned, fully multimedia wired for each classroom, brick construction, and colonial in appearance. Dr. Owings stated the long struggle appeared to be over and the project is becoming a reality for both the Town and Accomack County. Council thanked Dr. Owings for his presentation.

5. Consider Proposed Town Logos as Prepared by Chincoteague High School Art Students.

Council conducted an extensive review of the proposed Town logos as presented by the Art students at Chincoteague High School. Councilman Tolbert moved, seconded by Councilman Howard to combine two using the main design of #9 which has a heron, lighthouse, boat, and horse. To use the lighthouse from design #3 and to place a fish in the mouth of the heron. Unanimously approved. Town Manager Baker is to contact Dr. Luehning concerning the modifications and to request a colored design be completed for the May 6 meeting.

Council congratulated the entire art class for their excellent work and decided to award the class rather than one student \$100.00 for a job well done.

6. Consideration of Street Name for Municipal Center.



The Town received a lot of suggestions for the naming of this street. After extensive review, Councilman Taylor moved to name the street Chincoteague Plaza. There was no second to the motion. Motion died.

Councilman Leonard moved, seconded by Councilman Howard to name the street Community Drive. Voting for: Councilmen Leonard, Howard, Tolbert, and Vice Mayor Tarr. Voting against: Councilman Taylor. Motion carried.

7. Consider Scheduling FY-97 Proposed Budget for Public Hearing.

Town Manager Baker presented the final draft of the FY-97 proposed budget. A public hearing needs to be scheduled on the proposed budget.

Councilman Tolbert moved, seconded by Councilman Leonard to schedule a Public Hearing on the Town's proposed FY-97 budget for May 6, 1996 at 7:30 p.m. Unanimously approved.

8. Town Auto Decals for Prisoners of War, Disabled Veterans and Handicapped Individuals.

The Town Council discussed the matter of allowing a free Town decal for POWs, Disabled Veterans and handicapped individuals.

Councilman Tolbert moved, seconded by Councilman Leonard to adopt a policy allowing Prisoners of War, and Disabled Veterans who receive a free tag from the Commonwealth of Virginia to receive one free Town decal. Unanimously approved.

Council asked Town Manager Baker to place an advertisement in the local newspaper concerning the policy and to allow those that previously paid to obtain a refund on their 1996 decal.

9. Student Government Day.

Council scheduled May 6, 1996 as Student Government Day in the Town of Chincoteague. Students from Chincoteague High School will assume key positions within the Town during the day. Mayor Thornton asked Councilman Taylor to again handle this event. Mayor Thornton also asked other Council members to participate in the scheduled activities.

10. Delmarva Water Transport Committee Meeting.

The Delmarva Water Transport Committee meeting is scheduled for April 26, 1996. Please contact the Town Manager by April 23, 1996 if any Council members plan to attend.

11. Town Employee Picnic.

The Town employees would like to schedule a picnic at Memorial Park on June 1, 1996. Council, Town employees and their families are invited to attend.

Councilman Taylor moved, seconded by Vice Mayor Tarr to approve a Town employee picnic for June 1, 1996 with the Town supplying the meat as last year. Unanimously approved.

12. Fire Company Pony Herd Update.

Councilman Leonard informed Council that the Fire Company has been involved in a breeding program to upgrade the stallions on Assateague. The program to date has been successful with four stud colts alive and well.

13. Beebe House Fire.

On Monday, April 8, 1996, the Beebe house which was the home of "Grandma and Grandpa Beebe" was destroyed by fire. As this was an important landmark in Chincoteague's heritage and fame, Council discussed the significance of preservation of something from the home.

Councilman Taylor suggested wood from the house be salvaged for the construction of a full scale model of the home for prosperity sake.

Council wondered if the Misty Foundation have any plans for any preservation.

Council asked Chief Dize to contact the current owner, Mr. Peter Pope, concerning salvaging wood from the site for the model.

14. Recognition for Mr. Ralph Jones.

Mr. Ralph Jones longtime owner of Showard Brothers Hardware has retired and sold the business. Mr. Jones' store has been a stable in the Town's business community for many years. Council would like to schedule a small luncheon for Mr. Jones, his immediate family and the Council to show their appreciation to Mr. Jones. A plaque will be prepared and presented to Mr. Jones.

15. Adjournment.

Councilman Tolbert moved, seconded by Councilman Howard to adjourn the meeting at 8:50 p.m. Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE MAY 6, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING**

Council Members Present

Harry S. Thornton, Mayor

John H. Tarr, Vice Mayor

Terry Howard, Councilman

Donald J. Leonard, Councilman  
H. Austin Smith, Councilman  
John R. Taylor, Jr., Councilman  
Fred H. Tolbert, Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Smith offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Minutes of the April 8 and 18, 1996 Meetings.

Councilman Tolbert moved, seconded by Councilman Howard to approve the minutes of the April 8 and 18, 1996 meetings as presented. Unanimously approved.

5. Council Information Items.

Councilman Taylor stated the date in the letter from Chincoteague Police Department concerning the noise ordinance should be April 26 rather than May 26.

6. Committee Reports.

**Budget Committee** - Councilman Tolbert stated a copy of the committee's minutes are included in Council's agenda. The committee reviewed two methods of funding Virginia Retirement System contributions. The committee also reviewed the proposed FY-97 budget line by line.

**Emergency Operations Committee** - Councilman Tolbert reported the committee is discussing and reviewing preliminary steps to move equipment to the new facility. The committee voted to work with NASA and the Coast Guard for shelters and shelter management. At this time the American Red Cross has not decided their stand on shelters. The EOC, NASA and Coast Guard feel they handle shelter operations.

The EOC conducted a test today of the Emergency Alert System. Student Mayor Craig McComb made the announcement.

**Public Works Committee** - Vice Mayor Tarr reported the Harbor work has been completed. Paving on Main Street will begin on Monday, May 13. The committee has chosen the color schemes for the interior of the Municipal Center.

**Cemetery Committee** - Councilman Taylor reported cemeteries are being cleaned for Memorial Day.

**Pony Penning Shuttle Committee** - Councilman Taylor announced the committee will meet on Thursday, May 9, 1996.

**Harbor Committee** - Councilman Smith stated the Harbor Committee will be meeting soon.

**Chincoteague Recreation and Convention Center Authority** - Councilman Howard reported the CRCC met to decide color schemes, etc for the community center.

7. Public Participation.

-Mr. Richard Conklin stated there is a drainage problem on Chicken City Road. Mr. Conklin asked for Council's assistance in having the existing drainage ditch cleaned before fall. Mr. Mark Beebe who owns the ditch is willing to work with the Town to have work done to help alleviate the problem.

The Public Works Committee has been discussing drainage in this area.

-Mr. Tommy Clark stated that on Friday afternoon the sidewalk in front of Food -n- Foto was dug up. Mr. Clark feels the Public Works Department needs to do some planning so that problems are not created on Fridays when tourist are arriving. Mr. Clark feels Public Works should allot time on Friday afternoon to fix up/clean up rather than tear up. Vice Mayor Tarr responded the contractor was scheduled to replace the sidewalk early Monday morning. This is the reason the sidewalk was taken out on Friday afternoon.

8. Student Government Day.

Councilman Taylor introduced Student Mayor Craig McComb who introduced the other students.

Student Mayor McComb then presented the concerns discussed during Student Government Day.

a. Charge an annual fee of \$20.00 for each Causeway sign. the money should then be used for the removal of deer on the Island. The student talked to Mr. Schroer concerning employing sharp shooters which could be done during the night hours. Sharp shooters could remove 75 to 100 deer in a week. The deer meat should be donated to local food banks.

b. The students were concerned with the mosquito control program. After discussions with business owners and citizens, the student believe the Town has the correct programs in force for mosquito abatement.

The students thanked Mr. Taylor and other members of the Town Council and staff for the opportunity of participating in Student Government Day.

9. Consider Acceptance of the Proposed Town Logo.

Mayor Thornton stated the color design of the proposed Town logo has been completed by the Chincoteague High School Art Class. The proposed logo was displayed for those in attendance.

Councilman Taylor moved, seconded by Councilman Howard to accept the new logo as presented. Unanimously approved.

10. Consider Advertising Proposed Amendments to the Business License, Transient Occupancy Tax and Meals Tax Ordinances for Public Hearing.

Town Manager Baker asked to withdraw the business license ordinance for further review of State Code updates effective July 1, 1996 which will affect the ordinance.

Councilman Tolbert moved, seconded by Vice Mayor Tarr to advertise amendments to the Transient Occupancy Tax and Meals Tax Ordinances for public hearing on June 3, 1996. Unanimously approved.

Councilman Howard asked about the distribution of funds under the Transient Occupancy Tax Ordinance. Town Manager Baker explained the obligation has been met therefore needs to be deleted.

11. FY'97 Proposed Budget Public Hearing.

The Public Hearing on the Proposed FY-97 Town Budget has been scheduled for May 16, 1996.

12. Update on Proposed Peaker Plant.

Mr. Pete Lalor updated Council on the proposed peaker plant for northern Accomack County. Mr. Lalor presented a brief overview of the project. Mr. Lalor stated the plant will operate between 200 and 400 hours a year with an output of 300 mega watts. The tax base for the plant will be approximately 100 million dollars. With concern to environmental issues, the model has been tested and a maximum impact was determined to be insignificant. Visibility will be none, except at the end of Route 707. There is zero discharge. Even in a high use year there will be no impact on ground water over one foot.

Council members asked questions about the plant.

Mayor Thornton thanked Mr. Lalor for addressing the Town Council.

13. Proposed Sewage Disposal Regulations.

The Department of Health will conduct a public hearing on proposed amendments to sewage regulations on May 21, 1996 at 7 p.m. at the Eastern Shore Community College. Each Council Member has received an executive summary of the proposed regulations. Councilman Leonard stated it will be impossible for Chincoteague to comply with the proposed regulations because of our terrain. Town Attorney Poulson stated the Council should do what they can to oppose these regulations.

Council and citizens are urged to attend the public hearing.

Islands District Supervisor Thornton stated the Town should push for sand on sand. The proposed regulations will not only affect Chincoteague, but all of Accomack County.

Council asked that a advertisement be published in the newspaper urging everyone to attend the public hearing and voice their views.

14. Consider Adoption of Fair Housing Resolution.

Councilman Tolbert moved, seconded by Councilman Taylor to adopt the following resolution. Unanimously approved.

**RESOLUTION**

**WHEREAS,** the Congress has enacted the Federal Fair Housing Act of 1968, as amended; and

**WHEREAS,** federal and state law provide equal housing opportunity for all citizens regardless of race, color, religion, national origin, handicap, sex, age or parenthood; and

**WHEREAS,** the Town of Chincoteague has assisted in the development of decent, affordable housing for citizens of all incomes through its participation in the Virginia Community Development Block Grant Program.

**NOW, THEREFORE, BE IT RESOLVED,** that we, the Town of Chincoteague, do endorse the concept of Fair housing and call upon the citizens of Chincoteague and government officials, along with those in the banking and housing industries, to join together in this observance and work together for free and equal housing treatment for all.

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Harry S. Thornton, Mayor

Attest:

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T. Stewart Baker, Town Manager

15. Noise Ordinance Waiver.

Mayor Thornton stated the Chincoteague Volunteer Fire Company has requested a waiver from the noise ordinance for July 24, 25, 26 and 27, 1996 at the carnival grounds. The Fire Company has stated all noise will cease at 12:30 p.m.

Councilman Taylor moved, seconded by Councilman Leonard to grant a waiver from the noise ordinance for the dates stated above to the Chincoteague Volunteer Fire Company. Unanimously approved.

16. Proposed Agreements for Rt. 175 Bridge Replacement.

Town Manager Baker stated the Town received today two agreements for the Town's water line on the Rt. 175 bridges from the Virginia Department of Transportation. In reviewing the agreements, Mr. Baker found a discrepancy concerning the old water line pipe and its disposal. The Town has asked to have the pipe back when it is removed. Mr. Baker contact VDOT who will be sending new agreements for the Town's signature. Councilman Tolbert moved, seconded by Councilman Smith to authorize the Town Manager to execute the agreements upon receipt of correct versions. Unanimously approved.

17. Grinned Asphalt from Main Street.

Councilman Howard asked if the Town used all the grinned asphalt from Main Street. Town Manager Baker stated the Town has received many inquiries concerning the grinned asphalt, however the Town used all the material as a base for the road and parking area at the Municipal Complex.

18. Use of the "Flynn Property" During the Pony Swim.

Mr. Richard Conklin asked if the "Flynn Property" could be used during the pony swim. Mayor Thornton stated the property has been subdivided. The "Flynn House" is being burned by the Fire Company tonight at the owners request. The Fire Company does not have an agreement with any of the property owners for use of the property during pony swim.

19. Peaker Plant.

Members of the audience expressed concerns, approvals and disapproval of the proposed peaker plant.

**Mayor Thornton announce the Town is hosting a reception from Mr. & Mrs. Ralph Jones on May 8 from 6 to 7 p.m. at Bill's Seafood Restaurant.**

**The next meeting of the Town Council will be Thursday, May 16, 1996 at 7:30 p.m.**

20. Executive Session.

Councilman Smith moved, seconded by Councilman Howard to go into Executive Session under Section 2.1-344 of the Virginia Code to consult with legal counsel concerning actual or probable litigation; unanimously approved.

Councilman Howard moved, seconded by Councilman Smith to reconvene in Regular Session; unanimously approved.

Councilman Tolbert moved, seconded by Councilman Howard to adopt a resolution of certification of the Executive Session;

WHEREAS, the Chincoteague Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard discussed or considered by the Town Council.

VOTE: Ayes - Tolbert, Howard, Tarr, Taylor, Smith, Leonard  
Nays - NONE  
Absent - NONE

ATTEST: \_\_\_\_\_  
Town Manager

21. Amendment to Causeway Sign Policy.

Councilman Smith moved, seconded by Councilman Leonard to amend the causeway sign policy to state "Any display of a Causeway Sign, prior to obtaining a valid Town of Chincoteague business license will permanently and immediately revoke authorization for the sign location. The sign will be immediately removed by the Town of Chincoteague at the owner's expense." Letters are to be sent to all Causeway sign owners concerning this amendment to the policy. Unanimously approved.

22. Emergency Medical Services Personnel.

Councilman Taylor moved, seconded by Vice Mayor Tarr to pay overtime to the Town's Emergency Medical personnel between the hours of 6 and 8 a.m. if called upon by the volunteer squads or the 911 dispatcher. Unanimously approved.

23. Adjournment.

Councilman Smith moved, seconded by Councilman Howard to adjourn the meeting at 9:30 p.m. Unanimously approved.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

MINUTES OF THE MAY 16, 1996  
CHINCOTEAGUE TOWN COUNCIL WORK SESSION/SPECIAL MEETING



Council Members Present

John H. Tarr, Vice Mayor  
Terry Howard, Councilman  
H. Austin Smith, Councilman  
John R. Taylor, Jr., Councilman  
Fred H. Tolbert, Councilman

Council Members Absent

Harry S. Thornton, Mayor  
Donald J. Leonard, Councilman

1. Call to Order.

Vice Mayor Tarr called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Vice Mayor Tarr led in the Pledge of Allegiance.

4. FY-97 Proposed Budget Public Hearing.

Vice Mayor Tarr called the Public Hearing to order at 7:35 p.m.

Mr. Tommy Clark asked about the Town's reserve funds. Councilman Tolbert, Chairman of the Budget Committee explained the bond redemption fund, mosquito control and harbor funds process of rollover for reserves. Councilman Tolbert also explained the audit process and cash vs. accrual basis.

Mr. Clark asked if the Council has approved the installation of a 911 system and the charge of a 911 local tax. Councilman Tolbert answered yes. Councilman Tolbert stated it is hoped to have the Town 911 system operational in October 1996.

Councilman Howard asked about the process of collecting the 911 tax. Councilman Tolbert explained that for a number of years \$1.00 has been assessed on each telephone bill for 911 local tax. This tax revenue is now being turned over to Accomack County. The Town will not be able to obtain the Chincoteague portion of this tax until Chincoteague has an operational 911 system.

Mr. Clark asked if the number of dispatchers will increase with operation of the 911 system. Councilman Tolbert stated the Town currently has dispatchers on duty 16 hours a day in the winter and 24 hours a day in the summer. The only increase will be for one dispatcher on duty 24 hours a day throughout the year.

Council discussed the operational procedures for the 911 system.

Mr. Clark asked about the increase in the mosquito control budget. The figures shown for previous years reflect the actual sprays performed. The budgeted figures reflect an

anticipated number of sprays. The cost of chemicals and cost for aerial sprays has not increased significantly over a three year period.

Mr. Clark asked if the Town has considered a budget item for the future purchase of land for public use, i.e. downtown waterfront lot, current elementary school property. Council explained they can not budget for something they don't have specific details and a plan for its purchase and use.

Vice Mayor Tarr closed the Public Hearing at 8:05 p.m.

Vice Mayor Tarr announced action by the Town Council on the proposed budget will be taken at the June 3, 1996 meeting.

5. Street Name Request.

Mr. Elva Whealton has requested the name "Whealton Court" for the lane off Cakey Lane.

Councilman Howard moved, seconded by Councilman Tolbert to name the lane off Cakey Lane "Whealton Court". Unanimously approved.

6. Virginia Retirement System 1996-1998 Employer Contributions.

Councilman Tolbert explained VRS has presented two options for funding of COLAs. One option allowed Towns to immediately fund COLAs in full. The second option allowed for a five year phase in beginning in FY-96. The Budget Committee has reviewed each option and recommends to phase in the VRS COLAs over the five year pay as you go option.

Councilman Tolbert moved, seconded by Councilman Taylor to adopt the following Resolution to phase in the VRS COLAs over a five year pay as you go plan. Unanimously approved.

## **RESOLUTION**

**WHEREAS,** the Virginia General Assembly, the Governor, and the Board of Trustees of the Virginia Retirement System recognize the growing liability of all employers participating in the Virginia Retirement System as a result of the current practice of funding annual cost of living increases to retirees on a pay-as-you-go basis; and

**WHEREAS,** the Virginia General Assembly and the Governor have provided, in the budget for the 1996-98 biennium, funds to reach a level that would fully fund the cost of living increase over a five year period beginning in fiscal year 1998 for state employees and public school teachers; and

**WHEREAS,** pursuant to their authority as set forth in Section 51.1-145 of the Code of Virginia, the Board of Trustees of the Virginia Retirement System has agreed to allow

political subdivisions the option of making contributions beginning in fiscal year 1998 that would either (1) begin to fully fund the cost of living increases for their employees immediately. or (2) to reach a level to fully fund the cost of living increases over a five year period.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Chincoteague, Virginia that it hereby elects to begin to contribute so as to reach a level to fully fund the cost of living increase over a five year period beginning on July 1, 1997.

7. Virginia Retirement System Additional Credit Options.

The Virginia Retirement System is offering employees with 25 years of VRS contributing service and prior military service to purchase additional years of retirement credit from the Virginia Retirement System. The Town will also have to contribute a portion of the credit purchase.

Councilman Smith moved, seconded by Councilman Taylor to adopt the proposed credit purchase plan. After discussion, Councilman Smith and Councilman Taylor withdrew their motion for further review of the plan. Council tabled discussion until the June 3, 1996 meeting.

8. Bad Debts on Water Accounts.

The Town has several water accounts which a water balance is due, but the property has been sold. The new owners did not incur the debt. The previous owners are deceased or can not be located for payment.

Councilman Taylor moved, seconded by Councilman Smith to mark off the balance due as bad debts on the presented water accounts. Unanimously approved.

9. Adjournment.

Councilman Tolbert moved, seconded by Councilman Smith to adjourn the meeting at 8:28 p.m. Unanimously approved.

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Vice Mayor

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Town Manager

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**MINUTES OF THE JUNE 3, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING**

Council Members Present

Harry S. Thornton, Mayor

John H. Tarr, Vice Mayor  
Terry Howard, Councilman  
Donald J. Leonard, Councilman  
H. Austin Smith, Councilman  
John R. Taylor, Jr., Councilman  
Fred H. Tolbert, Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Minutes of the May 6 and 16, 1996 Meetings.

Councilman Taylor moved, seconded by Councilman Smith to approve the minutes of the May 6 and 16, 1996 meetings as presented. Unanimously approved.

5. Council Information Items.

-Councilman Howard asked if the Town has received and executed the corrected utility agreements with VDOT for the Rt. 175 project. Town Manager Baker responded the corrected copies were received, executed and returned.

6. Committee Reports.

**Emergency Operations Committee** - Councilman Tolbert stated the committee met during May for a 1996 organizational review. There have been some personnel changes at NASA, the committee will have a new NASA representative this year.

**Budget Committee** - Councilman Tolbert stated a copy of the Budget Committee's minutes are included in the agenda. Items discussed by the committee were addressed at the May 16 Council meeting.

**Community Center** - Councilman Leonard reported the community center construction is on schedule with an estimated completion date in August. The Authority received approximately 180 applications for the manager's position. The salary for the position will be \$25,000 per year. An Operations Committee headed by Kelly Conklin is developing three plans for the operation of the center; senior citizen programs, youth programs and initial use programs in cooperation with the Chamber of Commerce.

**Public Works Committee** - Vice Mayor Tarr reported the committee addressed drainage projects, a request from the Oyster Museum and crosswalks in various locations at their recent meeting. Councilman Leonard asked if Circle Drive is on the drainage

projects list. Vice Mayor Tarr responded yes. Councilman Howard stated drainage on Ridge Road in the vicinity of Mr. Ray Walker's residence needs attention. Councilman Tolbert responded Public Works has addressed this drainage problem. An outlet is needed and Mr. West will probably be in contact with Mr. Walker concerning such outlet.

**Cemetery Committee** - Councilman Taylor reported the cemetery cleanup prior to Memorial Day was a success.

**Pony Penning Shuttle** - Councilman Taylor announced the Pony Penning Shuttle Committee will meet on Thursday, June 13, 1996 at 7:30 p.m. Volunteers are needed to ride the buses on Pony Swim Day.

**Mosquito Control** - Councilman Smith stated due to weather conditions, the committee has not had to meet yet.

**Curtis Merritt Harbor Committee** - Councilman Smith reported the Harbor has a massive cleanup project in progress. The new leases have been mailed with rent due by the end of June.

**Planning Commission** - Councilman Howard reported the Planning Commission did not meet in May.

-Councilman Howard asked a question concerning the Housing Rehab projects.

**Beautification Committee** - Councilman Leonard feels a letter of appreciation needs to be sent to the Beautification Committee for their outstanding efforts which have greatly improved the appearance of our community. The volunteers who are assisting the committee in this regard should also be congratulated.

#### 7. Public Participation.

-Ms. Joan Karter stated for safety reasons a guard rail is needed at Church Street and Ridge Road, and on Main Street where it intersects with Ocean Breeze. She also asked that telephone poles be moved out of the sidewalks.

-Mr. Graham Dill, a member of the committee reviewing the applications for the community center manager stated the committee members are passing the applications around for review and will meet shortly to narrow the 180 application to approximately 10 to 12.

#### 8. Public Hearing on Proposed Amendments to the Transient Occupancy and Meals Tax Ordinances.

Mayor Thornton called the Public Hearing to order at 7:55 p.m.

Ms. April Stillson objected to adding meals tax on to alcoholic beverages served separately from food since most of the "lounge" business is local people of lower income.

She also feels this is not necessary since the Town's budget is lower than the previous year.

Ms. Lisa Stillson feels additional taxation will drive tourist away. She also feels this will impact their business and decrease net profits for businesses.

Councilman Leonard stated that the Budget Committee needed to find additional income sources in order to avoid additional reductions in services. Rather than raise property taxes on local citizens, the Committee felt it necessary to collect meals tax on alcohol sales. Councilman Leonard stated his personal view that taxes should be imposed on alcohol and cigarettes more so than property or other items.

Ms. Lisa Stillson stated if approved their accounting procedures for the business will lessen. She asked the Town to consider a prompt payment discount, if permissible.

Ms. Lou Hickman expressed concern that additional tax will reduce the tip waitresses receive.

Mr. Tommy Clark asked if the Town's budget has actually increased or decreased. Town Manager Baker stated the \$600K water bond in last year's budget is not in this budget. Therefore, there is a small increase in the budget over the previous year. Mr. Clark further asked why the budget indicates a decrease in transient occupancy tax yet an increase in meals tax. If the tourist are not staying in the motels, the tourist are not eating in the restaurants. Mr. Clark stated he receives a lot of comments on meals tax from customers. Customers want to know what the tax is and what the tax money is used for. Mr. Clark asked that the Town stop issuing bonds and use the revenue wisely each year for the benefit of the community. He stated he does not want to see funds collected for future use and deposited in a saving account.

Finally, Mr. Clark asked that action on the amendments be delayed until the July meeting so that the Council enacting amendments would be the same as the Council enforcing the amendments.

Mayor Thornton stated the Budget Committee has not recommended any tax or fee that was not absolutely necessary and reminded everyone that the Town has not had a property tax increase in many years.

Vice Mayor Tarr stated it is easy to see where the revenue is expended by looking around the Island.

Ms. Joan Karter stated her belief that meals tax revenue will decrease due to the amount of festivals by nonprofit organizations. The nonprofit organizations do not have to collect meals tax. Potential restaurant customers are eating at the festivals and the carnival. This reduces meals tax revenues.

Councilman Leonard asked if restaurant owners preferred the fire company to be dependent on the Town and the taxpayers for the funds the fire company members make at the carnival?

Councilman Tolbert stated if the Town were to operate the fire company without the carnival, the Town would need to increase the tax base by a minimum of \$300,000.00 per year.

Mr. Graham Dill, President of the Chincoteague Chamber of Commerce, stated the 1995 Shrimp Festival brought to the Island an additional 700 visitors. The Festival served lunch on Saturday. The visitors arrived on Friday evening and left on Sunday.

Mayor Thornton closed the Public Hearing at 8:30 p.m.

Councilman Howard addressed the change for failure to report and remit the appropriate taxes.

Councilman Tolbert moved, seconded by Councilman Leonard to adopt the amendments to the Transient Occupancy Tax Ordinance as presented. Unanimously approved.

#### **Article IV. Transient Occupancy Tax.**

WHEREAS, Section 58.1-3840 of the Code of Virginia, 1950, as amended, authorizes the governing bodies of towns of the Commonwealth having general taxing powers to impose a tax on transient room rentals and travel campgrounds; and

WHEREAS, the town council deems such transient tax to be reasonable and necessary to provide revenue for the general revenue fund of the Town of Chincoteague,

NOW, THEREFORE, the tax is levied as follows:

##### **Sec. 6-19. Definitions.**

The following words and phrases when used in this article shall, for the purpose of this ordinance, have the following respective meanings, except where the context clearly indicates a different meaning:

(a) Town Manager - The town manager or executive empowered to collect taxes.

(b) Hotel - Includes but is not limited to any public or private hotel, inn, apartment, hotel, hostelry, tourist home or house, motel, rooming house or other lodging place, within the Town of Chincoteague, offering lodging to any transient as hereinafter defined for compensation.

(c) Lodging - Includes but is not limited to any space or room furnished any transient.

(d) Room Rental - Shall mean the total charge, exclusive of any tax imposed on such charge, made by any hotel for lodging furnished any transient. If the charge made by any hotel to a transient includes any charge for services or accommodations

in addition to that of lodging, and/or use of space, then such portion of the total charge as represents only lodging and/or space rental shall be distinctly set out and billed to such transient by such hotel as a separate item.

(e) Person - Includes but is not limited to any individual, firm, partnership, association, corporation, or any group of individuals acting as a unit, or any corporate or partnership officer or employee who is under a duty on behalf of such entity to collect, report, and/or remit under this article. (7-1-96)

(f) Transient - Shall mean the same individual or same group of individuals who, for a period of not more than twenty-nine (29) consecutive days, either at his own expense or at the expense of another, obtains lodging or use of space in any hotel, or travel campground, as hereinabove defined, for which lodging or use of space a charge is made.

(g) Travel Campground - Shall mean any area, site, lot, field or tract of land offering spaces for recreational vehicles or campsites for transient dwelling purpose, or temporary dwelling during travel, recreational or vacation uses.

#### Sec. 6-20. Tax levy and rate.

There is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by laws on each and every transient a tax equivalent to two percent (2%) of the total amount paid for room rental by or for any such transient to any hotel or travel campground.

#### Sec. 6-21. Exceptions.

(a) No tax shall be payable under this article on room rental paid to any hospital, medical clinic, convalescent home or home for the aged. (7-1-96)

(b) No tax shall be payable under this article as to any lodging or room rental which is exempt from taxation under the Virginia Retail Sales and Use Tax Act. (Code 58.1-600 et seq). (7-1-96)

#### Sec. 6-22. Collection procedure.

Every person receiving any payment for room rental with respect to which a tax is levied under this article shall collect the amount of such tax so imposed from the transient on whom such tax is levied or from the person paying for such lodging at the time payment for such lodging is made. The taxes required to be collected under this section shall be deemed to be held in trust for the Town of Chincoteague by the person required to collect such taxes until remitted as required in this ordinance. (7-1-96)

#### Sec. 6-23. Reports and remittance of tax.

The person responsible for the collecting, reporting, and remitting of the tax levied under this article shall make a report upon such forms and setting forth such information as the Town Manager may prescribe and require. Such report shall show the amount of room rental charges collected and the tax required to be collected and shall be signed and delivered to the Town Manager with a remittance of such tax. Such reports and remittances shall be made monthly on or before the 20th day of each said month, and shall cover the amount of tax collected during the month immediately preceding the month in



which such reports and remittances are required. If the remittance is by check or money order, the same shall be payable to the Town of Chincoteague. (11-02-92). Effective 01-01-93. (7-1-96)

Every corporation, partnership, firm, association, or group of individuals acting as a unit shall designate in writing to the Town an officer or employee of such corporation, partnership, firm, association, or group whose duty it is to collect, report, and remit such tax. Upon the failure of such entity or group to so designate each officer of any such entity or group shall be deemed to have such duty to collect, report, and remit. (7-1-96)

Sec. 6-24. Interest and penalties.

If any person shall fail or refuse to remit to the Town of Chincoteague the tax required to be collected and paid under this ordinance within the time and in the amount specified in this article, there shall be added to such tax by the Town Manager a penalty in the amount of ten (10) percent thereof and interest thereon at the rate of ten (10) percent per annum, which shall be computed upon the taxes and penalty from the date such taxes are due and payable. (5-6-91)

Sec. 6-25. Failure or refusal to collect and report tax.

If any person shall fail or refuse to collect the tax imposed under this article, and to make, within the time provided for herein, the reports and remittances required, the Town Manager shall cause to be prepared a notice thereof to such person, giving such person ten (10) days in which to make the necessary reports and remit the appropriate tax, plus any applicable penalty and interest. Said notice shall be posted to such person by registered or certified mail, return receipt requested, to the address on file with the Town, or the last known address of such person, and/or to be delivered by the Chincoteague Police Department. Failure to report and/or remit the appropriate tax, plus any applicable penalty and interest within in the ten (10) day period after posting and/or delivery of such notice, shall result in the immediate suspension of the business license of such person, or the entity for which such person is charged for the collecting, reporting, and remitting of taxes, as well as the right of such business to operate within the Town.

Upon the failure or refusal of any such person to then thereafter report and remit the appropriate tax, plus any applicable penalty and interest as required under this article, the Town Manager shall then proceed in such a manner as he may deem best to obtain facts and information on what to base his estimate of the proper amount of such tax due, plus penalty and interest. The Town Manager shall then proceed, based on the best information then available to him, as aforesaid, to assess the amount of such tax, penalty and interest, and shall cause such person to be notified thereof by registered or certified mail, return receipt requested, at the address on record with the Town or the last known address of such person, and/or delivery by the Chincoteague Police Department.

Upon the submission of any necessary report and the remitting of the appropriate tax, plus any applicable penalty and interest, or the payment of the tax if assessed by the Town Manager, plus any applicable penalty and interest, such business license of the person or entity for which such person is charged for the collection, reporting, and remitting of such taxes, shall be deemed to be reinstated. (7-1-96)

Sec. 6-26. Records to be kept by person liable for collection and payment of tax.

It shall be the duty of every person liable for the collection and payment to the Town of any tax imposed by this article to keep and to preserve for a period of four (4) years such suitable records as may be necessary to determine and show accurately the amount of such tax as he may have been responsible for collecting and paying to the town. The Town Manager may inspect such records at all reasonable times.

Sec. 6-27. Tax immediately due and payable upon cessation of business.

Whenever any person required to collect and remit the tax imposed and levied by this article shall go out of business, dispose of his business or otherwise cease to operate, all of such taxes collected shall thereupon be reported and remitted to the Town Manager.

Sec. 6-28. Penalty for violation of ordinance.

Any corporate or partnership officer who is under a duty on behalf of such entity to collect, report, and/or remit under this article or any other person required to collect, account for and pay over such tax, who willfully fails to collect or truthfully account for and pay over such tax, and any such officer or person who willfully evades or attempts to evade any such tax or the payment thereof, shall, in addition to any other penalties provided by law, be guilty of a Class 1 Misdemeanor. (7-1-96)

Sec. 6-29. Allocation of funds.

For a period of ten (10) years commencing with the effective date of this article, an amount equal to fifty percent (50%) of the taxes collected by the Town in accordance with this article shall be placed in a separate fund to be expended for the establishment and maintenance of a community center.

Sec. 6-30. Responsibility for tax funds dedication.

A Commission consisting of two appointees of the Town of Chincoteague and two appointees of the Accomack County Board of Supervisors shall be established to receive, control and authorize expenditures of those tax funds dedicated to the Chincoteague Recreational/Convention Center. Upon the creation of an Authority pursuant to the Public Recreational Facilities Authorities Act, Chapter 29 of Title 15.1 of the Code of Virginia of 1950, as amended, for the purpose of the planning, acquisition, construction, improvement, operation and maintenance of such facility, the Commission created hereunder is authorized to transfer and deliver to such Authority all such tax funds held by it pursuant to the provisions of this Ordinance. All funds hereafter collected and held shall be paid over to said Authority for the purposes herein specified in the place and stead of said Commission. Upon the transfer of all such funds held by it to the Authority, and a proper accounting of all its receipts and disbursements, the powers, duties and existence of such Commission shall cease. (3-2-92) (7-1-96)

Sec. 6-31. Severability.

If any provision of this article, or any application of such provision to any person or under any circumstances, shall be invalid, the remainder of this article, or the application of such provisions to persons or under circumstances other than those to which it shall have been held invalid, shall not be affected thereby.

Sec. 6-32. Effective date of ordinance.

This ordinance shall be effective July 1, 1985.

Sec. 6-33. County tax permitted.

Any tax by Accomack County permitted by law on transient room rentals and travel campgrounds as defined herein shall apply after July 1, 1989 within the limits of the Town as expanded by boundary line adjustment effective July 1, 1989.

Sec. 6-34. Enforcement.

The provisions of this article, in addition to enforcement as otherwise permitted by law, may also be enforced by way of injunctive relief to enjoin a violation by the Circuit Court of Accomack County, or any other court of competent jurisdiction on complaint by the Town acting by and through the Town Manager. (7-1-96)

Town Attorney Poulson asked that the word "do" be changed to "does" in Section 6-46 (E) of the Meals Tax Ordinance.

Councilman Leonard moved, seconded by Councilman Tolbert to adopt the amendments to the Meals Tax Ordinance as presented including the word change by the Town Attorney. Unanimously approved.

**ARTICLE V. MEALS TAX.**

Sec. 6-35. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly indicates a different meaning:

Meal: Food and/or beverages sold for human consumption by a restaurant as such term is defined. (7-1-96)

Purchaser: Any person who purchases a meal.

Restaurant: (a) Any place within the Town of Chincoteague where food is prepared for service to the public on or off the premises, or any other place within the Town of Chincoteague where food is served. Examples of such places include but are not limited to lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of

hospitals and nursing homes, dining accommodations of public and private schools and colleges, and kitchen areas of local correctional facilities subject to standards adopted under §53.1-68 of the Code of Virginia of 1950, as amended. Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public. (7-1-96)

(b) Any place or operation which prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include but are not limited to operations preparing or storing food for catering services, push cart operations, hotdog stands, and other mobile points of service. Such mobile points of service are also deemed to be restaurants unless the point of service and of consumption is in a private residence. (7-1-96)

Seller: Any person who sells meals. (7-1-96)

Town Manager: The Town Manager and any of his or her duly authorized agents.

Sec. 6-36. Levy of tax.

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the purchaser of every meal served; sold or delivered in the town by a restaurant. The rate of this tax shall be four (4) percent of the amount paid for the meal. There shall be no tax if the total amount paid is twenty-five cents (\$0.25) or less; on larger amounts a fractional cent of tax due shall be rounded to the next higher cent. (7-1-96)

Sec. 6-37. Payment and collection of tax.

In every case the tax shall be collected by the seller and paid by the purchaser at the time the charge for the meal becomes due and payable, whether payment is to be made in cash or on credit by means of a credit card or otherwise. The seller shall add the tax to the amount charged for the meal, and shall pay the taxes collected to the town as provided in this article.

Sec. 6-38. Collections in trust for town.

All amounts collected as taxes under this article shall be deemed to be held in trust by the seller collecting them, until remitted to the town as provided by this article.

Sec. 6-39. Reports and remittances.

The town manager may require all prospective sellers of meals licensed to do business in the town to register for the collection of the tax imposed by this article. Every corporation, partnership, firm, association, or group of individuals acting as a unit shall designate in writing to the Town an officer or employee of such corporation, partnership, firm, association, or group whose duty it is to collect, report, and remit. The person or entity collecting the tax levied under this article shall make a report upon such forms as may be prescribed by the town manager, which report in any event shall show the amount of charges collected for meals and the amount of tax required to be collected for the

designated reporting and collection period. Such report shall be signed and delivered to the Town Manager with the full remittance of such tax due. Such reports and remittances shall be made monthly on or before the 20th day of each said month and shall cover the amount of charges for meals and the tax collected during the month immediately preceding the month in which such report and remittance is required. If the remittance is by check or money order, the same shall be payable to the Town of Chincoteague. (11-02-92). Effective 01-01-93. (7-1-96)

Sec. 6-40. Penalty and interest.

If any person whose duty it is to do so shall fail or refuse to make the report or remit the tax required, there shall be added to the tax by the town manager a penalty in the amount of ten (10) percent of the tax, and interest thereon at the rate of ten (10) percent per annum, which shall be computed upon the tax and penalty from the date such were due and payable.

Sec. 6-41. Procedure when tax not reported or collected.

If any person shall fail or refuse to collect the tax imposed under this article, and to make, within the time provided for herein, the reports and remittances required, the Town Manager shall cause to be prepared a notice thereof to such person, giving such person ten (10) days in which to make the necessary reports and remit the appropriate tax, plus any applicable penalty and interest. Said notice shall be posted to such person by registered or certified mail, return receipt requested, to the address on file with the Town, or the last known address of such person, and/or to be delivered by the Chincoteague Police Department. Failure to report and/or remit the appropriate tax, plus any applicable penalty and interest within the ten (10) day period after posting and/or delivery of such notice, shall result in the immediate suspension of the business license of such person, or the entity for which such person is charged for the collecting, reporting, and remitting of taxes, as well as the right of such business to operate within the Town. (7-1-96)

Upon the failure or refusal of any such person to then thereafter report and remit the appropriate tax, plus any applicable penalty and interest as required under this article, the Town Manager shall then proceed in such a manner as he may deem best to obtain facts and information on what to base his estimate of the proper amount of such tax due, plus penalty and interest. The Town Manager shall then proceed, based on the best information then available to him, as aforesaid, to assess the amount of such tax, penalty and interest, and shall cause such person to be notified thereof by registered or certified mail, return receipt requested, at the address on record with the Town or the last known address of such person, and/or delivery by the Chincoteague Police Department. (7-1-96)

Upon the submission of any necessary report and the remitting of the appropriate tax, plus any applicable penalty and interest, or the payment of the tax if assessed by the Town Manager, plus any applicable penalty and interest, such business license of the person or entity for which such person is charged for the collection, reporting, and remitting of such taxes, shall be deemed to be reinstated. (7-1-96)

Sec. 6-42. Preservation of records.

A. Generally. It shall be the duty of every person liable for collection and remittance of the taxes imposed by this article to preserve for a period of four (4) years records showing all purchases taxable under this article, the amount charged the purchaser for each such purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The town manager shall have the authority and power to examine such records at reasonable times and without unreasonable interference with the business of such person, for the purpose of administering and enforcing the provisions of this article and to make transcripts of all or any parts thereof.

B. Records; inspection by town manager. The town manager shall have the authority after notifying the town attorney in writing prior to each examination of the records of any establishment; such examination shall be for the purpose of administering and enforcing the provisions of this article and transcripts may be made of any parts thereof or all of said records. Further, said inspections shall be made at reasonable times and without unreasonable interference with the business of such person.

Sec. 6-43. Duty of person going out of business.

Whenever any person required to collect and remit to the town any tax imposed by this article shall cease to operate or otherwise dispose of his or her business, the tax shall immediately become due and payable, and the person shall make to the town manager a report and remittance thereof by the first day of the month following which said business was terminated or disposition made thereof.

Sec. 6-44. Advertising payment or absorption of tax prohibited.

No seller shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of a tax imposed under this article will be paid or absorbed by the seller or by anyone else, or that the seller or anyone else will relieve any purchaser of the payment of all or any part of the tax.

Sec. 6-45. Tips and service charges.

Where a purchaser provides a tip for an employee of a seller, the tip is not subject to the tax imposed by this article, whether paid in cash to the employee or added to the bill and charged to the purchaser's account, provided in the latter case, the full amount of the tip is turned over to the employee by the seller. Tips, gratuities and service charges on meals which are left on the table, or where added to the bill and otherwise turned over in their entirety by the employer to the employee, shall not be subject to this tax. (7-1-96)

Sec. 6-46. Exemptions.

The following classes of transactions involving meals shall not be subject to tax under this article:

- A. Meals sold through vending machines. (7-1-96)
- B. Meals purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program. (7-1-96)
- C. Meals purchased with drafts issued through the Virginia Special Supplemental Food Program for Women, Infants and Children. (7-1-96)

D. Meals furnished by a blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Visually Handicapped and located on property acquired and used by the United States for any military or navel purpose. (7-1-96)

E. Meals sold by a boarding house that does not accommodate transients. (7-1-96)

F. Meals sold by cafeterias operated by industrial plants for employees only. (7-1-96)

G. Meals sold by churches, fraternal, school, and social organizations, and volunteer fire departments and rescue squads which hold occasional dinners, bazaars, and other fund raisers, and which food prepared in the houses of the members, or in the kitchen of the church, school, or organization is offered for sale to the public. (7-1-96)

H. Meals furnished by churches which serve meals for their members as a regular part of their religious observances. (7-1-96)

I. Meals sold by non-profit cafeterias in public schools, nursing homes, and hospitals. (7-1-96)

J. Meals sold by grocery store delicatessens and convenience stores, expressly excepting prepared sandwiches and single-meal platters. (7-1-96)

K. Non-alcoholic beverages not served as part of meals. (7-1-96)

#### Sec. 6-47. Enforcement.

The provisions of this article, in addition to enforcement as otherwise permitted by law, may also be enforced by way of injunctive relief to enjoin a violation by the Circuit Court of Accomack County, or any other court of competent jurisdictions on complaint by the Town acting by and through the Town Manager. (7-1-96)

#### Sec. 6-48. Violations; how punishable.

Any corporate or partnership officer who is under a duty on behalf of such entity to collect, report, and/or remit under this article or any other person required to collect, account for and pay over such tax, who willfully fails to collect or truthfully account for and pay over such tax, and any such officer or person who willfully evades or attempts to evade any such tax or the payment thereof, shall, in addition to any other penalties provided by law, be guilty of a Class 1 Misdemeanor. (7-1-96)

#### Sec. 6-49. Disposition of revenue.

A. A minimum of ten percent (10%) shall be used to promote tourism. The first year's ten percent will be spent to repair the Town dock and Memorial Park. In May of 1990, the Mayor will create a committee composed of Island residents, one each from the Restaurant Association, Chamber of Commerce and Town Council to recommend expenditures to the Town Council of revenues collected after 1 January 1991.

B. A minimum of fifteen percent (15%) shall be used for drainage related projects. (12-4-95)

#### Sec. 6-50. Regulations.

A. The town manager may issue regulations for the administration and enforcement of this article.

B. The provisions of this article are hereby declared to be severable. If any clause, sentence section or part of this article shall for any reason be adjudged to be invalid, such invalidity shall not affect the parts which are not adjudged to be invalid.

C. This article shall become effective April 1, 1990.

Councilman Tolbert moved, seconded by Councilman Smith to have the effective date of the above amendments July 1, 1996. Unanimously approved.

The Budget Committee was asked to review a rebate/prompt payment discount on Meals and Transient Occupancy Taxes at their next meeting.

9. Consider Adoption of FY97 Budget.

Councilman Tolbert moved, seconded by Councilman Taylor to adopt the FY-97 Budget as presented with tax rates remaining the same as the previous year and to appropriate such funds for expenditure.

Councilman Howard asked why some departments increased and some decreased in regard to Health Insurance cost. Councilman Tolbert explained that depending on the number of employees and their status (single, married, family, etc.) and the type of coverage selected by the employee determined the insurance premium.

The motion was unanimously approved.

Town of Chincoteague  
FY'97 Budget Revenues

Fund 10 - General Government

| <u>Revenue Name</u>     | <u>Number</u> | <u>Budgeted</u> |
|-------------------------|---------------|-----------------|
| R.E. Tax Levy           | 4001-0100     | \$398,500       |
| T.P. Tax Levy           | 4001-0125     | \$150,000       |
| Interest on Taxes       | 4001-0200     | \$ 4,000        |
| Penalties               | 4001-0300     | \$ 3,500        |
| Meals Tax               | 4001-0500     | \$331,300       |
| Bank Franchise Tax      | 4001-0600     | \$ 27,500       |
| Sales Tax               | 4010-0100     | \$ 85,000       |
| Business License        | 4010-0200     | \$102,000       |
| Motor Vehicle License   | 4010-0300     | \$ 45,000       |
| Utilities Tax           | 4010-0500     | \$190,000       |
| Transient Occupancy Tax | 4010-0600     | \$190,000       |
| Fines                   | 4015-0100     | \$ 15,000       |
| Interest on Savings     | 4020-0100     | \$ 45,000       |



|                                  |           |                    |
|----------------------------------|-----------|--------------------|
| Other (User Fee)                 | 4041-0200 | \$ 17,640          |
| Building Permits                 | 4041-0500 | \$ 18,503          |
| Zoning Advertisements            | 4041-0600 | \$ 1,000           |
| Grants/Litter                    | 4045-0100 | \$ 1,000           |
| Sale of Capital Assets           | 4049-0100 | \$ 2,500           |
| ABC Profits                      | 4051-0100 | \$ 11,000          |
| Optimum Choice-Retirees Spouse   | 4051-0200 | \$ 600             |
| VA Fire Programs                 | 4051-0300 | \$ 4,400           |
| Revenue Sharing/FWS (P.I.L.O.T.) | 4061-0100 | \$ 9,500           |
| Harbor/Admin.                    | 4061-0105 | \$ 1,500           |
| Water Rent                       | 4101-0100 | \$525,000          |
| Water Adjustments                | 4101-2200 | -\$ 4,000          |
| Sale of Mat.-W.L. Ext.           | 4131-0100 | \$ 15,000          |
| Service Connections              | 4131-0200 | \$ 20,000          |
| Miscellaneous Income             | 4303-0100 | \$ 10,000          |
| Law Enforcement Funds            | 4401-0100 | \$ 34,000          |
| Law Enforcement Grant/s          | 4401-0200 | \$ 30,000          |
| 911 Local Tax                    | 4401-0300 | \$ 27,000          |
| VDOT Maintenance Funds           | 4501-0100 | \$335,900          |
| Road Permit Fees                 | 4501-0101 | \$ 500             |
| Parks & Rec Fees                 | 4601-0100 | \$ 2,500           |
| <b>Subtotal</b>                  |           | <b>\$2,650,343</b> |

Fund 30 - Curtis Merritt Harbor

|                            |           |                  |
|----------------------------|-----------|------------------|
| Interest on Harbor Savings | 4031-0100 | \$ 8,900         |
| Harbor Rent                | 4031-1000 | \$ 31,123        |
| <b>Subtotal</b>            |           | <b>\$ 40,023</b> |

Fund 40 - Mosquito Control

|                 |           |                  |
|-----------------|-----------|------------------|
| Revenue         | 4001-0100 | \$147,000        |
| Interest Income | 4020-0100 | \$ 7,500         |
| <b>Subtotal</b> |           | <b>\$154,500</b> |

|              |  |                    |
|--------------|--|--------------------|
| <b>TOTAL</b> |  | <b>\$2,844,866</b> |
|--------------|--|--------------------|

Town of Chincoteague  
FY'97 Budget Expenditures

Fund 10 - General Fund

| <u>Object of Expenditure</u> | <u>Number</u> | <u>Budgeted</u> |
|------------------------------|---------------|-----------------|
| Mayor                        | 5010-0101     | \$ 3,600        |

|                         |           |           |
|-------------------------|-----------|-----------|
| Council                 | 5010-0102 | \$        |
| 16,200                  |           |           |
| Town Office Staff       | 5010-1001 | \$176,330 |
| Emergency Med. Techs/ST | 5010-1002 | \$ 49,800 |
| Overtime                | 5010-1003 | \$ 3,000  |
| Subtotal                |           | \$248,930 |

Fund 10 - General Fund Dept. 5020

|                    |           |           |
|--------------------|-----------|-----------|
| Social Security    | 5020-2001 | \$ 18,713 |
| Hospitalization    | 5020-2101 | \$ 19,550 |
| Blood Bank         | 5020-2102 | \$ 75     |
| Unemployment/Town  | 5020-2103 | \$ 3,200  |
| Retirement         | 5020-2201 | \$ 11,284 |
| VRS/Life Insurance | 5020-2202 | -0-       |
| Vacation Salaries  | 5020-2601 | -0-       |
| Subtotal           |           | \$ 52,822 |

Fund 10 - General Fund Dept. 5030

|                              |           |           |
|------------------------------|-----------|-----------|
| Building Admin Expense       | 5030-3101 | \$ 1,000  |
| Cleaning                     | 5030-3102 | \$ 5,000  |
| Planning Commission          | 5030-3103 | \$ 500    |
| Board of Zoning Appeals      | 5030-3104 | \$ 500    |
| Building Permit Surcharge    | 5030-3105 | \$ 200    |
| Board of Bldg Code Appeals   | 5030-3106 | \$ 250    |
| Emergency Medical Clothing   | 5030-3107 | \$ 720    |
| Insurance                    | 5030-3401 | \$ 68,000 |
| Auditing                     | 5030-3501 | \$ 10,300 |
| Donations                    | 5030-3601 | \$ 5,000  |
| Fire Department Donation     | 5030-3602 | \$ 7,000  |
| Fire Dept. Equipment Fund #3 | 5030-3605 | \$ 10,000 |
| Transfer to Civic Center     | 5030-3701 | \$ 47,500 |
| Tourism 10% Meals Tax        | 5030-3705 | \$ 33,130 |
| Infrastructure projects      | 5030-3801 | \$ 35,000 |
| ANPDC Membership             | 5030-4030 | \$ 3,225  |
| Scholarship                  | 5030-4301 | \$ 1,000  |
| Office Sup./Publications     | 5030-4401 | \$ 7,500  |
| Office Equipment Maint       | 5030-4402 | \$ 5,000  |
| Postage                      | 5030-4403 | \$ 10,000 |
| Tax Bills & Conversion       | 5030-4404 | \$        |
| 3,500                        |           |           |
| Motor Vehicle License        | 5030-4501 | \$ 1,200  |
| Travel                       | 5030-4801 | \$ 2,500  |
| Mayors Expense               | 5030-4901 | \$ 1,500  |

|                                |           |           |
|--------------------------------|-----------|-----------|
| Councils Expense               | 5030-4902 | \$ 1,000  |
| Town Managers Expense          | 5030-4903 | \$ 1,000  |
| Attorney/Consultant            | 5030-5101 | \$ 12,000 |
| Drug/Alcohol Testing           | 5030-5201 | \$ 1,000  |
| Employee Xmas Benefit          | 5030-5501 | \$ 1,650  |
| Dues                           | 5030-6101 | \$ 3,500  |
| VML Conference                 | 5030-6102 | \$ 3,500  |
| Advertising                    | 5030-7101 | \$ 3,500  |
| Quarterly Newsletter           | 5030-7102 | \$ 2,500  |
| Photography                    | 5030-7201 | \$ 150    |
| Building Maintenance           | 5030-7301 | \$ 2,500  |
| Electricity                    | 5030-7401 | \$ 6,500  |
| Heating-Oil/Gas                | 5030-7402 | \$ 3,500  |
| Contingencies                  | 5030-7501 | \$ 5,000  |
| VA Fire Prog/CVFC              | 5030-7601 | \$ 4,400  |
| EOC Operations/Training        | 5030-7602 | \$ 7,500  |
| Special Projects               | 5030-7701 | \$ 5,000  |
| Pony Penning Expense           | 5030-7702 | \$        |
| 2,000                          |           |           |
| Leonard Assistance Fund        | 5030-8001 | \$ -0-    |
| Telephone Bills                | 5030-8202 | \$        |
| 7,500                          |           |           |
| Training                       | 5030-8301 | \$ 2,500  |
| Optimum Choice-Retirees        | 5030-8401 | \$ 2,100  |
| Optimum Choice-Retirees Spouse | 5030-8402 | \$ 600    |
| Sundry                         | 5030-8501 | \$ 1,000  |
| Subtotal                       |           | \$339,425 |

Fund 10 - General Fund Dept. 5090

|                               |           |           |
|-------------------------------|-----------|-----------|
| Office Equipment/Furniture    | 5090-9102 | \$ 15,000 |
| Municipal Center Bond Payment | 5090-9200 | \$ 92,000 |
| Building Admin. Automobile    | 5090-9702 | \$ 9,500  |
| Subtotal                      |           | \$116,500 |

Subtotal Dept. 50 \$757,677

Fund 10 - General Fund Dept. 6010

|          |           |           |
|----------|-----------|-----------|
| Salaries | 6010-1001 | \$        |
| 46,260   |           |           |
| Overtime | 6010-1003 | -0-       |
| Subtotal |           | \$ 46,260 |

Fund 10 - General Fund Dept. 6020

|                    |           |          |
|--------------------|-----------|----------|
| Social Security    | 6020-2001 | \$ 3,539 |
| Hospitalization    | 6020-2101 | \$ 3,146 |
| Retirement         | 6020-2201 | \$ 2,308 |
| VRS/Life Insurance | 6020-2202 | -0-      |
| Vacation Salaries  | 6020-2601 | -0-      |
| Subtotal           |           | \$ 8,993 |

Fund 10 - General Fund Dept. 6030

|                        |           |          |
|------------------------|-----------|----------|
| Office Supplies        | 6030-4401 | \$       |
| 500                    |           |          |
| Office Equipment Maint | 6030-4402 | \$ 500   |
| Travel                 | 6030-4801 | \$ 500   |
| Clothing/Uniforms      | 6030-5202 | \$ 5,300 |
| Dues/License           | 6030-6101 | \$ 200   |
| Training               | 6030-8301 | \$ 500   |
| Sundry                 | 6030-8501 | \$ 200   |
| Subtotal               |           | \$ 7,700 |

Fund 10 - General Fund Dept. 6090

|                  |           |          |
|------------------|-----------|----------|
| Office Equipment | 6090-9102 | \$ 2,000 |
| Unspecified      | 6090-9115 | \$ 1,000 |
| Subtotal         |           | \$ 3,000 |

|                   |  |           |
|-------------------|--|-----------|
| Subtotal Dept. 60 |  | \$ 65,953 |
|-------------------|--|-----------|

Fund 10 - General Fund Dept. 6110

|          |           |           |
|----------|-----------|-----------|
| Salaries | 6110-1001 | \$        |
| 13,316   |           |           |
| Overtime | 6110-1003 | \$ 460    |
| Subtotal |           | \$ 13,776 |

Fund 10 - General Fund Dept. 6120

|                    |           |          |
|--------------------|-----------|----------|
| Social Security    | 6120-2001 | \$ 1,053 |
| Hospitalization    | 6120-2101 | \$ 2,108 |
| Retirement         | 6120-2201 | \$ 664   |
| VRS/Life Insurance | 6120-2202 | -0-      |
| Vacation Salaries  | 6120-2601 | -0-      |
| Subtotal           |           | \$ 3,825 |

Fund 10 - General Fund Dept. 6130

|                   |           |           |
|-------------------|-----------|-----------|
| Gasoline/Diesel   | 6130-4701 | \$        |
| 20,000            |           |           |
| Oil/Grease        | 6130-4703 | \$ 2,250  |
| Tools             | 6130-4704 | \$ 500    |
| Equipment Repairs | 6130-7302 | \$ 7,000  |
| Vehicle P/M's     | 6130-7304 | \$ 2,000  |
| Tires             | 6130-7305 | \$ 1,700  |
| Garage Supplies   | 6130-7306 | \$ 750    |
| Vehicle Repairs   | 6130-7307 | \$        |
| 3,200             |           |           |
| Sundry            | 6130-8501 | \$ 300    |
| Subtotal          |           | \$ 37,700 |

Fund 10 - General Fund Dept. 6190

|             |           |          |
|-------------|-----------|----------|
| Unspecified | 6190-9115 | \$ 1,000 |
| Subtotal    |           | \$ 1,000 |

|                   |  |           |
|-------------------|--|-----------|
| Subtotal Dept. 61 |  | \$ 56,301 |
|-------------------|--|-----------|

Fund 10 - General Fund Dept. 6210

|           |           |           |
|-----------|-----------|-----------|
| Salaries  | 6210-1001 | \$        |
| 61,953    |           |           |
| Overtime  | 6210-1003 | \$ 1,130  |
| Pump Duty | 6210-1004 | \$ 5,888  |
| Subtotal  |           | \$ 68,971 |

Fund 10 - General Fund Dept. 6220

|                    |           |           |
|--------------------|-----------|-----------|
| Social Security    | 6220-2001 | \$ 5,276  |
| Hospitalization    | 6220-2101 | \$ 8,016  |
| Retirement         | 6220-2201 | \$ 3,091  |
| VRS/Life Insurance | 6220-2202 | -0-       |
| Subtotal           |           | \$ 16,383 |

Fund 10 - General Fund Dept. 6230

|                           |           |          |
|---------------------------|-----------|----------|
| Tools                     | 6230-4704 | \$ 500   |
| Chemicals                 | 6230-4705 | \$ 4,000 |
| Other Water Works Expense | 6230-6200 | \$ 1,200 |
| Building Maint/Rehab.     | 6230-7301 | \$       |
| 1,000                     |           |          |
| Equipment Repairs         | 6230-7302 | \$ 1,500 |

|                           |           |           |
|---------------------------|-----------|-----------|
| Electricity               | 6230-7401 | \$ 33,000 |
| Heating-oil/gas           | 6230-7402 | \$        |
| 500                       |           |           |
| Distribution & Repairs    | 6230-8101 | \$ 16,000 |
| Supply Repairs            | 6230-8103 | \$ 15,000 |
| Telephone/Pagers          | 6230-8202 | \$ 1,000  |
| Sundry                    | 6230-8501 | \$ 200    |
| Regulation Compliance     | 6230-8750 | \$        |
| 1,200                     |           |           |
| Lab Services For .8750    | 6230-9760 | \$        |
| 800                       |           |           |
| State Groundwater Permits | 6230-8770 | \$ 4,975  |
| Subtotal                  |           | \$ 80,875 |

Fund 10 - General Fund Dept. 6290

|                           |           |           |
|---------------------------|-----------|-----------|
| Wt Main Upgrades (Old)    | 6290-9100 | \$ 5,000  |
| Water Main Extensions     | 6290-9101 | \$        |
| 10,000                    |           |           |
| Unspecified               | 6290-9115 | \$ 1,000  |
| Transfer to Water Reserve | 6290-9502 | \$ 8,800  |
| Bond Fund Payments        | 6290-9505 | \$164,513 |
| Water Works Res/Cont.     | 6290-9801 | \$ 10,000 |
| Rehab Shallow Wells 3B-C  | 6290-9818 | \$ 15,000 |
| Subtotal                  |           | \$214,313 |

|                   |  |           |
|-------------------|--|-----------|
| Subtotal Dept. 62 |  | \$380,542 |
|-------------------|--|-----------|

Fund 10 - General Fund Dept. 6310

|           |           |           |
|-----------|-----------|-----------|
| Salaries  | 6310-1001 |           |
| \$124,130 |           |           |
| Overtime  | 6310-1003 | \$ 4,594  |
| Subtotal  |           | \$128,724 |

Fund 10 - General Fund Dept. 6320

|                    |           |           |
|--------------------|-----------|-----------|
| Social Security    | 6320-2001 | \$ 9,848  |
| Hospitalization    | 6320-2101 | \$ 14,357 |
| Retirement         | 6320-2201 | \$ 5,041  |
| VRS/Life Insurance | 6320-2202 | -0-       |
| Vacation Salaries  | 6320-2601 | -0-       |
| Subtotal           |           | \$ 29,246 |

Fund 10 - General Fund Dept. 6330

|                                |           |           |
|--------------------------------|-----------|-----------|
| Christmas Decorations & Wiring | 6330-4100 | \$ 4,000  |
| Street Maintenance             | 6330-4101 | \$ 45,000 |
| Sidewalks                      | 6330-4201 | \$ 1,500  |
| Street Signs/911               | 6330-4202 | \$ 1,500  |
| Landfill Fees                  | 6330-4650 | \$ 4,500  |
| Tools                          | 6330-4704 | \$ 1,000  |
| Mowers/Trimmers                | 6330-4708 | \$ 300    |
| Sanitation Service Contra      | 6330-6201 | \$125,000 |
| Other Facilities Expenses      | 6330-6202 | \$ 1,500  |
| Comfort Station                | 6330-6260 | \$ 1,200  |
| Weed Cutting/Spraying          | 6330-6301 | \$        |
| 500                            |           |           |
| Building Maint/Rehab.          | 6330-7301 | \$        |
| 500                            |           |           |
| Equipment Repairs              | 6330-7302 | \$ 750    |
| Electricity                    | 6330-7401 | \$ 3,000  |
| Heating Oil/Gas                | 6330-7402 | \$ 1,500  |
| Street Lights                  | 6330-7450 | \$ 44,536 |
| Sundry                         | 6330-8501 | \$ 300    |
| Misc. Park Expenses            | 6330-8550 | \$ 2,500  |
| Parks & Rec Expense            | 6330-8590 | \$ 3,000  |
| Subtotal                       |           | \$242,086 |

Fund 10 - General Fund Dept. 6390

|                         |           |           |
|-------------------------|-----------|-----------|
| Drainage                | 6390-9105 | \$ 49,695 |
| Unspecified             | 6390-9115 | \$ 1,000  |
| 1/2 Ton Pickup          | 6390-9501 | \$        |
| 13,000                  |           |           |
| Loader/Backhoe          | 6390-9570 | \$ 9,012  |
| Tools & Equipment       | 6390-9572 | \$ 2,000  |
| Street Sweeper Payments | 6390-9573 | \$ 22,200 |
| Fire Road Base          | 6390-9577 | \$        |
| 25,000                  |           |           |
| Fire Road Paving        | 6390-9578 | -0-       |
| Riding Mower            | 6390-9579 | \$ 2,000  |
| Flail Mower             | 6390-9580 | -0-       |
| Subtotal                |           | \$123,907 |

Subtotal Dept. 63 \$523,963

Fund 10 - General Fund Dept. 6510

|          |           |           |
|----------|-----------|-----------|
| Salaries | 6510-1001 | \$        |
| 41,912   |           |           |
| Overtime | 6510-1003 | \$ 3,305  |
| Subtotal |           | \$ 45,217 |

Fund 10 - General Fund Dept. 6520

|                    |           |           |
|--------------------|-----------|-----------|
| Social Security    | 6520-2001 | \$ 3,459  |
| Hospitalization    | 6520-2101 | \$ 5,773  |
| Retirement         | 6520-2201 | \$ 2,091  |
| VRS/Life Insurance | 6520-2202 | -0-       |
| Subtotal           |           | \$ 11,323 |

Fund 10 - General Fund Dept. 6530

|                         |           |           |
|-------------------------|-----------|-----------|
| Street Maintenance      | 6530-4101 | \$ 16,000 |
| Snow Removal            | 6530-4102 | \$        |
| 2,000                   |           |           |
| Maint. Coatings/Replace | 6530-4150 | \$212,973 |
| Sidewalks & Gutters     | 6530-4201 | \$ 32,000 |
| Signs/Traffic Control   | 6530-4202 | \$ 1,500  |
| Roadside Structures     | 6530-4250 | \$ 1,500  |
| Tools/Small Equipment   | 6530-4704 | \$        |
| 1,000                   |           |           |
| Engineering/Consultants | 6530-5150 | \$ -0-    |
| Drainage Maintenance    | 6530-6250 | \$ 1,000  |
| Weed Control            | 6530-6301 | \$ 1,500  |
| Equipment Rental        | 6530-7001 | \$ -0-    |
| Electricity             | 6530-7450 | \$ 9,887  |
| Subtotal                |           | \$279,360 |

Fund 10 - General Fund Dept. 6590

|                       |           |          |
|-----------------------|-----------|----------|
| Deephole Road Project | 6590-9815 | \$       |
| 2,000                 |           |          |
| Subtotal              |           | \$ 2,000 |

|                   |  |           |
|-------------------|--|-----------|
| Subtotal Dept. 65 |  | \$337,900 |
|-------------------|--|-----------|

Fund 10 - General Fund Dept 7010

|                      |           |           |
|----------------------|-----------|-----------|
| Salaries/Officers    | 7010-1001 | \$254,600 |
| Overtime             | 7010-1003 | \$ 7,500  |
| Court Overtime       | 7010-1005 | \$ 1,500  |
| Salaries/Dispatchers | 7010-1006 | \$ 97,010 |



|          |  |           |
|----------|--|-----------|
| Subtotal |  | \$360,610 |
|----------|--|-----------|

Fund 10 - General Fund Dept. 7020

|                    |           |           |
|--------------------|-----------|-----------|
| Social Security    | 7020-2001 | \$ 26,898 |
| Hospitalization    | 7020-2101 | \$ 31,662 |
| Retirement         | 7020-2201 | \$ 18,037 |
| VRS/Life Insurance | 7020-2202 | -0-       |
| Subtotal           |           | \$ 76,597 |

Fund 10 - General Fund Dept. 7030

|                              |           |           |
|------------------------------|-----------|-----------|
| Travel                       | 7030-4801 | \$ 800    |
| Uniform Allowance (off.)     | 7030-5201 | \$ 6,000  |
| Uniforms (Town)              | 7030-5202 | \$ 4,500  |
| Police Conference            | 7030-6102 | \$ 750    |
| Photography                  | 7030-7201 | \$ 750    |
| Office Supp/Equip Maint      | 7030-7300 | \$ 4,500  |
| Equipment Repairs & Supplies | 7030-7302 | \$ 4,500  |
| Vehicle Maintenance          | 7030-7304 | \$ 5,000  |
| Crime Prevention             | 7030-7901 | \$ 6,000  |
| Academy Dues                 | 7030-7903 | \$ 3,000  |
| Bicycle Patrol               | 7030-7904 | \$ 1,000  |
| Pager Service                | 7030-8203 | \$ 1,100  |
| Trailer Lot Rent             | 7030-8300 | \$ 300    |
| Training                     | 7030-8301 | \$ 3,000  |
| Sundry                       | 7030-8501 | \$ 1,500  |
| Subtotal                     |           | \$ 42,700 |

Fund 10 - General Fund Dept. 7090

|                         |           |           |
|-------------------------|-----------|-----------|
| Office Equipment        | 7090-9102 | \$ 2,000  |
| Radios Repeater         | 7090-9261 | -0-       |
| Communications Recorder | 7090-9265 | -0-       |
| 911 Equipment 1 of 5    | 7090-9268 | \$ 22,000 |
| SIRS Radios - 4         | 7090-9269 | \$ 3,200  |
| Portable Radios - 4     | 7090-9270 | \$ 2,400  |
| Automobile              | 7090-9271 | \$ 18,500 |
| Subtotal                |           | \$ 48,100 |

|                   |           |
|-------------------|-----------|
| Subtotal Dept. 70 | \$528,007 |
|-------------------|-----------|

|                   |                    |
|-------------------|--------------------|
| <b>Fund Total</b> | <b>\$2,650,343</b> |
|-------------------|--------------------|

|  |           |          |
|--|-----------|----------|
| Fund 30 - Curtis Merritt Harbor Dept. 8010 |           |          |
| Salaries                                   | 8010-1001 | \$       |
| 6,510                                      |           |          |
| Subtotal                                   |           | \$ 6,510 |

|  |           |        |
|--|-----------|--------|
| Fund 30 - Curtis Merritt Harbor Dept. 8020 |           |        |
| Social Security                            | 8020-2001 | \$ 500 |
| Subtotal                                   |           | \$ 500 |

|  |           |           |
|--|-----------|-----------|
| Fund 30 - Curtis Merritt Harbor Dept. 8030 |           |           |
| Admin. Expense/Town                        | 8030-3100 | \$        |
| 1,500                                      |           |           |
| Maintenance & Parking Lot                  | 8030-7300 | \$ 6,000  |
| Elec., Water, Signs, etc.                  | 8030-7400 | \$ 2,500  |
| Sundry                                     | 8030-8501 | \$ 1,000  |
| Subtotal                                   |           | \$ 11,000 |

|  |           |           |
|--|-----------|-----------|
| Fund 30 - Curtis Merritt Harbor Dept. 8090 |           |           |
| Others                                     | 8090-9109 | -0-       |
| Road/Sand Stabilization                    | 8090-9121 | -0-       |
| Catwalks                                   | 8090-9122 | -0-       |
| Equipment                                  | 8090-9123 | -0-       |
| Long Term Replacement Res                  | 8090-9124 | \$ 22,013 |
| Subtotal                                   |           | \$ 22,013 |
| Subtotal Dept 80                           |           | \$ 40,023 |

|                   |  |                  |
|-------------------|--|------------------|
| <b>Fund Total</b> |  | <b>\$ 40,023</b> |
|-------------------|--|------------------|

|                                       |           |           |
|---------------------------------------|-----------|-----------|
| Fund 40 - Mosquito Control Dept. 8510 |           |           |
| Salaries                              | 8510-1001 | \$        |
| 25,557                                |           |           |
| Overtime                              | 8510-1003 | \$ 2,553  |
| Subtotal                              |           | \$ 28,110 |

|                                       |           |          |
|---------------------------------------|-----------|----------|
| Fund 40 - Mosquito Control Dept. 8520 |           |          |
| Social Security                       | 8520-2001 | \$ 2,150 |
| Hospitalization                       | 8520-2101 | \$ 4,166 |
| Retirement                            | 8520-2201 | \$ 1,171 |
| VRS/Life Insurance                    | 8520-2202 | -0-      |
| Subtotal                              |           | \$ 7,487 |

|                                       |           |        |
|---------------------------------------|-----------|--------|
| Fund 40 - Mosquito Control Dept. 8530 |           |        |
| Insurance                             | 8530-3401 | \$ 500 |
| Office Supplies                       | 8530-4401 | \$     |
| 250                                   |           |        |

|                                       |           |                    |
|---------------------------------------|-----------|--------------------|
| Drainage                              | 8530-4500 | \$ 24,000          |
| Chemicals                             | 8530-4705 | \$ 41,524          |
| Contract Spraying                     | 8530-4706 | \$ 22,200          |
| Travel                                | 8530-4801 | \$ 500             |
| Mos. Cont. Conference                 | 8530-6102 | \$                 |
| 1,000                                 |           |                    |
| Other M.C. Expenses                   | 8530-6204 | \$ 5,379           |
| Advertising                           | 8530-7101 | \$ 2,500           |
| Equipment Repairs/Maint.              | 8530-7302 | \$ 1,200           |
| Safety Equipment                      | 8530-7303 | \$ 600             |
| Vehicle Maintenance                   | 8530-7304 | \$ 2,000           |
| Electricity                           | 8530-7401 | \$ 1,000           |
| Telephone & Pagers                    | 8530-8202 | \$ 750             |
| Training                              | 8530-8301 | \$ 300             |
| Sundry                                | 8530-8501 | \$ 100             |
| Rentals                               | 8530-8550 | \$ 100             |
| Rent (2 of 15)                        | 8530-8551 | \$ 5,000           |
| Subtotal                              |           | \$108,903          |
| Fund 40 - Mosquito Control Dept. 8590 |           |                    |
| Equipment                             | 8590-9124 | \$ 10,000          |
| Subtotal                              |           | \$ 10,000          |
| Subtotal Dept. 85                     |           | \$ 154,500         |
| <b>Fund Total</b>                     |           | <b>\$ 154,500</b>  |
| <b>Grand Total</b>                    |           | <b>\$2,844,866</b> |

#### **FY97 Tax Rates**

|                         |                                   |
|-------------------------|-----------------------------------|
| Real Estate Tax         | \$0.13/\$100.00 of Assessed Value |
| Mosquito Control Levy   | \$0.05/\$100.00 of Assessed Value |
| Tangible Property Tax   | \$0.85/\$100.00 of Assessed Value |
| Meals Tax               | 4%                                |
| Transient Occupancy Tax | 2%                                |

10. VRS Option to Purchase Up To 36 Months Credit for Active Military Service.  
This item was tabled from the last meeting in order to obtain some clarification from VRS. Town Manager Baker explained VRS is offering covered employees the option of buying additional service for prior active military service once the employee has 25 years of credible VRS service. There is no assessment to the Town until such time as an employee

actually purchases the additional service credit. The Town has the option at this time to allow employees to participate in this plan. At present, although some employees do have prior active military service, the employee does not have 25 years of credible VRS service.

Councilman Taylor moved, seconded by Councilman Howard to approve the VRS Option for Town employees. Unanimously approved.

#### 11. Control of Deer in the Community.

Mr. Bill Hisle, State Game Warden assigned to Accomack County, stated he has been in contact with Police Chief Dize discussing options for control of the white tail deer population on Chincoteague. Mr. Hisle introduced Mr. Dave Crumm, Local Game Warden; Glen Askins who is the lead biologist for the State Game Warden's Office; Phil West is the biologist assigned to the Eastern Shore; and Dr. Debra Green, professor of psychology with William & Mary.

Glen stated that urban deer problems including human/deer conflicts are not unusual in the State of Virginia. The State Game Warden's Office is available to assist the community, but the citizens will guide them to a solution to the problem. Glen asked for input from the Council on the extent of the problem.

Councilman Tolbert stated Chincoteague has a year 'round population of 3500, half want to eat the deer and half don't want "Bambi" killed. What do we do?

Glen suggested Council appoint a committee composed of all types of citizens in regard to the situation; hunters, non-hunters, animal activists, citizens which have had their habitat invaded by the deer, lyme disease victims, and those who do not have a stand either way on the issue. The committee should be composed of approximately 10 to 12 citizens. The game warden's office will assist the committee by educating the members on the urban deer (which is different from wild deer), methods and strategies. The committee will then present their findings and recommend the appropriate action for the deer control.

Glen stated in review of Chincoteague, the problem has not escalated to the maximum. However, if Chincoteague does not develop a plan soon, the problem will be out of control. The Council will need to have the majority of citizens "buy in" to the program.

Councilman Smith stated Council has discussed in the past various options such as bow & arrow hunting, tranquilizers, shooting, etc. Councilman Smith would like to know what other communities are doing to control deer.

Glen stated the method used is unique to the community. Methods currently used include paid staff, resident hunters, resident bow hunters, paid hunters brought into the community, etc. In some communities citizens would rather pay to have the deer relocated rather than have the animals killed. You also must consider what you plan to do with the deer if they are killed. If tranquilizers are used, the meat can not be eaten. There are three learning

topics which have to be taught in order to have a effective plan: (a) learn about the animal, (b) learn about the management techniques, and (c) learn what to do with the animals.

Councilman Taylor stated as a patient of Lyme disease, he once thought deer were beautiful and should be allowed to roam freely. Now since being crippled for life by this disease, any and all action in the control of deer is justified.

Glen stated the Town must consider is national notoriety in any plan. The department is at the Town's disposal for working a solution to this problem. The Council needs to think of a few (8 to 12 ) open minded citizens who are willing to learn and discuss a long term resolution to the problem. When the committee is appointed, the department will come to educate the committee on the animal. The committee will need to then educate the residents and receive public input. Then the committee needs to develop a plan of action.

Councilman Howard asked how long it will take to develop and implement a plan.

Glen stated it will depend on the interest of the committee, but should be developed within at least 6 months to 1 year.

Councilman Tolbert asked if conservation groups such as the Nature Conservancy oppose these types of actions. Glen answered not usually.

Councilman Leonard stated he feelings concerning deer and facts concerning vehicle damage claims. He further discussed Council's decisions on the ban of firearm discharge. Safety of all residents must be and is of utmost importance to the Council and among the residents.

Hunting plans would need to set within designated times set by the State or by special approval from the State. Shooting from inside Chincoteague to the marsh areas outside would need to be addressed. Land owners with larger parcels would need to come together to allow hunting under rules set by the plan. Glen stated all citizens need to be educated, be a part of the plan, be knowledgeable of the approved plan for any plan to work. It is when citizens are surprised that they become indignant. The department has educational materials which can be used to educate the public. Glen asked that number of deer needs to be avoided. If needs to be decided only how many deer the community is willing to tolerate and how many deer the habitat can tolerate. Glen stated he plans to talk to Mr. John Schroer concerning the hunting of sika deer only on Assateague and other issues affecting the white tail deer population.

Town Attorney asked where approval of a plan lies. Glen stated plan approval is with the Town Council. If the plan conflicts with Game Commission regulation, he will take the plan to Richmond to the Director for an emergency action.

12. Proposed Street Name.

The Public Works Committee recommends the lane servicing the property of Woodrow Taylor and Gannon Derrickson off Circle Drive be named "Woody Lane".

Councilman Howard moved, seconded by Vice Mayor Tarr to accept the recommendation. Unanimously approved.

13. Readoption of State Motor Vehicle Code.

Annually municipalities must take official action to readopt the State Motor Vehicle Code pursuant to Section 46.2-1313 of the Code of Virginia. Councilman Tolbert moved, seconded by Councilman Smith to readopt the State Motor Vehicle Code. Unanimously approved.

Sec. 11-1. Adoption of state law; and repeal of current provisions.

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the Commonwealth contained in Title 46.2 and in Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia in effect July 1, 1991, except those provisions which are contained elsewhere in this chapter and except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the Town, are hereby adopted and incorporated in this chapter by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the Town to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or under Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia. (Readopted 9-6-88, 7-3-89, 4-10-90, 6-3-91, 6-1-92, 7-6-93, 6-6-94, 6-5-95, 6-3-96).

The provisions hereof, as readopted shall be effective as of 12:01 a.m. July 1, 1996. As of the effective date hereof, said readoption shall replace said Section 11-1 as same may now exist prior to the effective date of said readoption.

Adopted this 3rd day of June, 1996.

14. Adoption of All Hazards Mutual Assistance Agreement with the Hampton Roads Emergency Management Committee Jurisdictions.

A Mutual Assistance Agreement has been prepared by the Hampton Roads Emergency Management Committee for member jurisdictions. The agreement is based on the Code of Virginia Section 44-146.28:1. The Town is a member of this Committee and the Town Manager recommends adoption of this agreement. Councilman Tolbert moved, seconded

by Councilman Leonard to refer the agreement to the Emergency Operations Committee and then to the June Work Session. Unanimously approved.

**HAMPTON ROADS EMERGENCY MANAGEMENT COMMITTEE  
ALL HAZARDS  
MUTUAL ASSISTANCE AGREEMENT**

THE ALL HAZARDS MUTUAL ASSISTANCE AGREEMENT, (hereinafter "agreement") is made by and among the CITIES OF CHESAPEAKE, FRANKLIN, HAMPTON, NEWPORT NEWS, NORFOLK, POQUOSON, PORTSMOUTH, SUFFOLK, VIRGINIA BEACH, WILLIAMSBURG; COUNTIES OF ISLE OF WIGHT, JAMES CITY, YORK; THE TOWN OF CHINCOTEAGUE; AND THE FEDERAL INSTALLATIONS OF FORT EUSTIS, FORT MONROE, LANGLEY AIR FORCE BASE, NORFOLK NAVAL OPERATIONS BASE, AND YORKTOWN NAVAL WEAPONS STATION (hereinafter "participating jurisdictions and federal installations") and the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF EMERGENCY SERVICES and will be implemented upon the approval of the said participating jurisdictions and federal installations. This agreement shall be effective upon the signatures of two or more parties.

It is mutually agreed as follows:

**ARTICLE I - PURPOSE**

A. The participating jurisdictions and federal installations are the political subdivisions that comprise the Hampton Roads Emergency Management Committee (HREMC).

B. The purpose of this agreement is to provide for mutual assistance between the participating jurisdictions and federal installations in managing or providing operational support in any emergency or disaster. This agreement is not a contract and relates solely to coordination among the signatory jurisdictions of the subject matters of mutual responsibility or concern as addressed herein. It does not create obligations or establish rights not otherwise provided by law and specifically creates no third party beneficiaries.

C. This agreement also provides for mutual cooperation in emergency-related exercises, testing, and other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by the participating jurisdictions and federal installations.

D. This agreement does not replace or supersede any existing mutual aid agreements.

**ARTICLE 11 GENERAL IMPLEMENTATION**

A. Each participating jurisdiction and federal installation recognizes that emergencies and disasters transcend Jurisdictional boundaries and that inter-governmental coordination is essential in managing these emergencies. Each participating jurisdiction and federal installation further recognizes that responsibility for the initial response rests with the individual jurisdiction. When the magnitude of the incident exceeds the capability of any one Jurisdiction to respond effectively, then that Jurisdiction may request assistance under the provisions of this agreement.

B. The prompt, full, and effective utilization of resources of the participating Jurisdiction or Commonwealth or federal installation and any resources on hand or available from the Commonwealth, federal government or any other source, which are essential to the safety, care, and welfare of the people in the event of any emergency declared by a local government or the Commonwealth of Virginia, shall be the underlying principle on which all provisions of this agreement shall be understood,

C. The government official of each participating jurisdiction and federal installation who is assigned responsibility for emergency management will be responsible for formulation of the appropriate inter-governmental mutual aid plans and procedures necessary to implement this agreement.

D. This agreement will be administered by the Hampton Roads Emergency Management Committee(HREMC). This agreement may be modified by unanimous approval of the parties hereto. Modifications will be considered annually and should be submitted in writing to the Hampton Roads Emergency Management Committee by January 15 of each year. Participating jurisdictions and federal installations will be requested to make decisions on proposed modifications by March 1 of the same year.

E. Disputes between participating jurisdictions and federal installations as to matters arising within the content of this agreement should be resolved at the lowest possible level. Such resolution should start with jurisdiction-to-jurisdiction discussion. HREMC Chairman will serve as dispute resolution manager unless the chairman's agency is a party to the dispute, in which case a dispute resolution manager will be chosen by the HREMC membership. The dispute resolution manager is not intended to have authority to act in a capacity other than as a non-binding ombudsman in dispute resolution.

### ARTICLE III - RESPONSIBILITIES

A. When notified of an emergency condition, the Department of Emergency Services-Virginia Emergency Operations Center (VEOC) will notify unaffected HREMC jurisdictions by telephone, FAX, Virginia Criminal Information Network (VCIN) or other best available means. Furthermore, the unaffected jurisdictions will be requested to put their emergency management organization on stand-by until such time as the Department of Emergency Services notifies unaffected Jurisdictions that the incident has de-escalated and to stand-down.



B. Each participating Jurisdiction and federal installation will formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, each participating jurisdiction and federal installation, insofar as practical, will-

1. Complete a resource needs assessment to anticipate resources that may be requested during any emergency or disaster incident within that jurisdiction. This assessment should include personnel and their skills, knowledge and abilities.

2. Inventory and set procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

3. Plan to send human resources as self-sufficient units if the need is for an extended period of time or if the distance between the jurisdictions is greater than 50 miles. Plan staffing to include 12 hour shift changes.

4. Provide, to the extent authorized by law, for temporary suspension of any ordinances that restrict the implementation of the provisions of this agreement.

C. The emergency manager of a participating jurisdiction or federal installation may request assistance of another participating jurisdiction or federal installation through the Virginia Emergency Operations Center (VEOC), Regional Coordinator(s) of the Department of Emergency Services, or via direct request. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 90 days of the verbal request. Requests should provide the following information:

1. A description of the emergency management function for which assistance is needed, such as, but not limited to, emergency management administrative support (Coordinator and/or Deputy Coordinator), public information, fire services, radiological monitors, law enforcement, emergency medical services, transportation, communications, damage assessment, mass care, resource support and health and medical services.

2. The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time that they will be needed.

3. The specific place and time for staging of the assisting party's response and a point of contact at that location.

D. There will be frequent consultation between the members of the HREMC with free exchange of information, plans, and resource records relating to emergency capabilities.

#### ARTICLE IV - LIMITATIONS

Any participating jurisdiction and federal installation requested to render mutual aid or who exercises or trains for the benefit of mutual aid will take such action as is necessary to provide and make available the resources covered by this agreement in accordance with the terms hereof; provided that it is understood the jurisdictions rendering aid may withhold resources to the extent necessary to provide reasonable protection for each jurisdiction and federal installation, will afford to the emergency service providers of any other participating jurisdiction or federal installation, while operating within its boundaries under the terms and conditions of this agreement, the same powers, duties, rights and privileges, as are afforded forces of the jurisdiction in which they are performing emergency services. Emergency services providers will continue under the command and control of their regular leaders, but the organizational unit will come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency by the Governor or by the local government that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency remains in effect, or loaned resources remain in the receiving jurisdictions, whichever is longer.

#### ARTICLE V - LICENSES AND PERMITS

To the extent authorized by law, whenever any person holds a license, certificate, or other permit issued by the Commonwealth of Virginia evidencing the meeting of qualifications for professional, mechanical, or other skills such person may be permitted by a receiving jurisdiction to render aid involving such skill to meet an emergency or disaster situation. Response team personnel holding appropriate and applicable certifications issued under the authority of a state agency outside the Commonwealth will be acceptable under the terms of the Emergency Management Assistance Compact, Title 44-146.28:1 of the Code of Virginia.

#### ARTICLE VI - SUPPLEMENTARY AGREEMENTS

Nothing herein contained shall preclude any participating Jurisdiction or federal installation from entering into supplementary mutual aid agreements with another jurisdiction or jurisdictions or affect any other agreements already in force between jurisdictions and federal installations. Supplementary agreements may include, but shall not be limited to, provisions for evacuation and reception of injured and other persons

and the exchange of medical, fire police, public utilities, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

#### ARTICLE VII - COMPENSATION

To the extent authorized by law, each participating jurisdiction and federal installation shall provide for the payment of compensation and death benefits to its injured members of the emergency forces in case such members sustain injuries or are killed while rendering aid pursuant to this agreement, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction. Each participating jurisdiction and federal installation providing assistance will compensate its employees according to its policy at the time of the incident. The costs will be reflected in a final report requesting reimbursement from the receiving jurisdiction.

#### ARTICLE VIII - REIMBURSEMENT

To the extent authorized by law, each participating jurisdiction and federal installation rendering aid in another jurisdiction pursuant to this agreement shall be reimbursed by the participating jurisdiction and federal installation receiving such aid for any loss or damage to or expense incurred in, the operation of any equipment answering a request for aid and for the costs incurred in connection with such requests- provided, that any participating jurisdiction or federal installation may assume in whole or in part such loss, damage, expense, or other costs, or may loan such equipment or donate such services to the receiving jurisdiction without charge or cost; and provided further, that any two or more participating jurisdictions or federal installations may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. The participating jurisdiction or federal installation providing assistance shall submit a financial final report of costs to the jurisdiction or federal installation that received the assistance within 90 days of termination of the event.

#### ARTICLE IX - EVACUATION

Plans for the orderly evacuation and inter-jurisdictional reception of portions of the civilian population as the result of any hazard of sufficient proportions to so warrant, will be worked out and maintained between the participating jurisdictions and federal installations. Such plans will be put into effect by request of the Coordinator of Emergency Services of the Jurisdiction from which the evacuees come and will include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, the forwarding of such evacuees to other areas or the bringing ' of additional materials and supplies, and all other relevant factors. Such plans will provide that the participating jurisdiction or federal installations receiving the evacuees and the participating jurisdiction or federal installations from which the evacuees come shall mutually agree as to reimbursement for out-of-pocket expenses incurred in receiving and

caring for such evacuees, for expenditures for transportation, food, clothing, medicines, medical care, and like items. After the termination of the emergency, the participating Jurisdiction or federal installation from which the evacuees came will assume the responsibility for the ultimate support of repatriation of such evacuees.

#### ARTICLE X - IMMUNITY FROM LIABILITY

As provided for under Section 44-146.23, Code of Virginia, neither the Commonwealth nor any political subdivision as party to this agreement, nor, except in cases of willful misconduct, public or private employees engaged in emergency services activities, while complying with or attempting to comply with the provision of the Emergency Services and Disaster Laws, which provide the foundation for this agreement, shall be liable for the death of, or any injury to, persons or damage to property as a result of such activities. The provisions of this agreement shall not affect the right of any person to receive benefits to which he would otherwise be entitled under Chapter 3.2, Emergency Services and Disaster Law, Section 44-146.13 to 44-146.29:2, or under the Workers' Compensation Act, or any other pension laws, All other provisions or subsections of Section 44-146.23 shall not be exempted under the terms of this agreement.

#### ARTICLE XI - IMPLEMENTATION

A. This agreement shall become operative immediately upon its approval by the Board of Supervisors/City Council of the jurisdiction as between it and any other approving jurisdictions or federal installations. This agreement must be signed by an authorized representative of the governing body. Duly authenticated copies of this agreement and such supplementary agreements pursuant to this agreement shall, at the time of their approval, be provided to each of the participating jurisdictions and federal installations.

B. This agreement shall continue in force and remain binding on each participating jurisdiction or federal installation until the Chief Executive Officer of such participating jurisdiction or federal installation or other responsible official notifies the Hampton Roads Emergency Management Committee in writing. Such action shall not relieve the withdrawing jurisdiction from obligations assumed hereunder prior to the effective date of the withdrawal and shall not be effective until 30 days after notice thereof has been sent by the Chairman of the Hampton Roads Emergency Management Committee (HREMC) to the chief executive officer and duly authorized representatives of all the other participating jurisdictions and federal installations.

IN WITNESS WHEREOF, the local government or federal installation hereto as a party thereof, has executed this Agreement as signed and dated below.

TOWN OF CHINCOTEAGUE:

15. Consider Membership in the Virginia Credit Union.

The Town recently received a letter from the Virginia Credit Union offering membership to the Town's employees, including members of the Town Council, at no expense to the Town except the time it will take in setting up payroll deductions. There is no minimum number of employees or Council members needed to benefit from this service. The credit union offers higher savings interest rates and lower loan interest rates than commercial banking institutions. The Town Manager recommends Council authorize use of payroll deductions so that employees and Council members can participate.

Councilman Leonard asked how much time would be involved to administer credit union membership. Town Manager Baker responded time would be involved setting up individual employees payroll deductions, after that only the cost of a check for the amount of the deductions.

Councilman Taylor moved, seconded by Vice Mayor Tarr to approve membership in the Virginia Credit Union and the use of payroll deductions. Unanimously approved.

16. Award of FY-97 Sanitation Contract.

The Town's Sanitation contract terminates June 30, 1996. A Request for Bids was advertised for FY-97 with two 1 year renewals in compliance with bid specifications. Bids were received on May 29, 1996 and opened at 2 p.m. One bid was received from Shore Disposal as follows: FY-97 \$150,620.80, FY-98 \$154,640.24, FY-99 \$161,619.00. These cost may decrease if Accomack County removes the tipping fees from municipal residential waste. The reduction will be at least \$60,000 per year.

Councilman Tolbert moved, seconded by Councilman Howard to award the sanitation contract for FY-97, 98, and 99 to Shore Disposal, Inc. in the amounts stated above. Unanimously approved.

17. Department of Motor Vehicles (DMV) Office.

Councilman Taylor stated he recently visited the DMV mobile unit when it was on the Island. He talked with the DMV employees operating the unit and explained the Town's efforts to reestablish a DMV agency office in Chincoteague. The DMV employees told him that Council should keep trying. Councilman Taylor asked that a letter be sent to Senator Norment and Delegate Bloxom. This issue should be continue to brought to our legislator's attention in hopes that an agency may return.

18. Street Light Request.

Councilman Howard stated a street light is needed at the entrance to Memorial Park.

Mayor Thornton stated he would follow up on this request.

19. Crosswalks.

Councilman Howard asked that the crosswalks be repainted as soon as possible. Councilman Tolbert explained the crosswalks painting will depend on the completion of the road paving, but would be painted as soon as possible.

20. Ridge Road Drainage.

Councilman Howard asked the status of drainage work on Ridge Road from the Raymond Carpenter property to the Shelly property. Town Manager Baker was asked to find the plat for review by the Public Works Committee.

**Mayor Thornton announced the next meeting of the Town Council will be June 20, 1996.**

21. Executive Session.

Councilman Taylor moved, seconded by Councilman Howard to go into Executive Session under Section 2.1-344 of the Virginia Code to discuss personnel matters; unanimously approved.

Councilman Howard moved, seconded by Councilman Smith to reconvene in Regular Session; unanimously approved.

Councilman Tolbert moved, seconded by Councilman Smith to adopt a resolution of certification of the Executive Session;

WHEREAS, the Chincoteague Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard discussed or considered by the Town Council.

VOTE: Ayes - Tolbert, Smith, Tarr, Howard, Taylor, Leonard  
Nays - NONE  
Absent - NONE

ATTEST: \_\_\_\_\_  
Town Manager

22. Adjournment.

Councilman Howard moved, seconded by Councilman Smith to adjourn the meeting at 10:25 p.m. Unanimously approved.

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Mayor

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Town Manager

Minutes of the June 20, 1996  
Chincoteague Town Council Work Session/Special Meeting

Council Members Present

Harry S. Thornton, Mayor  
John H. Tarr, Vice Mayor  
Terry Howard, Councilman  
H. Austin Smith, Councilman  
John R. Taylor, Jr., Councilman  
Fred H. Tolbert, Councilman

Council Members Absent

Donald J. Leonard, Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:35 p.m.

2. Invocation.

Councilman Smith offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Budget Committee's Review of Discounts for Prompt Payment of Meals and Transient Occupancy Taxes.

Councilman Tolbert reported the Code of Virginia has provisions for a prompt payment discount of not less than 3% and not more than 5% of the net tax on Transient Occupancy Tax. The Code does not have provisions for Meals Tax.

Therefore, the Budget Committee recommends no action by the Council.

Mayor Thornton asked the Budget Committee to review a prompt payment discount on business license.

5. Consider Adoption of All Hazards Mutual Assistance Agreement With HREMC Jurisdictions.

Councilman Tolbert stated the concerns by the Emergency Operations Committee concerning use and payment to volunteers has been addressed.

Councilman Tolbert moved, seconded by Councilman Smith to adopt the All Hazards Mutual Assistance Agreement with Hampton Roads Emergency Management Committee Jurisdictions. Unanimously approved.

**HAMPTON ROADS EMERGENCY MANAGEMENT COMMITTEE  
ALL HAZARDS  
MUTUAL ASSISTANCE AGREEMENT**

THE ALL HAZARDS MUTUAL ASSISTANCE AGREEMENT, (hereinafter "agreement") is made by and among the CITIES OF CHESAPEAKE, FRANKLIN, HAMPTON, NEWPORT NEWS, NORFOLK, POQUOSON, PORTSMOUTH, SUFFOLK, VIRGINIA BEACH, WILLIAMSBURG; COUNTIES OF ISLE OF WRIGHT, JAMES CITY, YORK; THE TOWN OF CHINCOTEAGUE; AND THE FEDERAL INSTALLATIONS OF FORT EUSTIS, FORT MONROE, LANGLEY AIR FORCE BASE, NORFOLK NAVAL OPERATIONS BASE, AND YORKTOWN NAVAL WEAPONS STATION (hereinafter "participating jurisdictions and federal installations") and the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF EMERGENCY SERVICES and will be implemented upon the approval of the said participating jurisdictions and federal installations. This agreement shall be effective upon the signatures of two or more parties.

It is mutually agreed as follows:

#### ARTICLE I - PURPOSE

A. The participating jurisdictions and federal installations are the political subdivisions that comprise the Hampton Roads Emergency Management Committee (HREMC).

B. The purpose of this agreement is to provide for mutual assistance between the participating jurisdictions and federal installations in managing or providing operational support in any emergency or disaster. This agreement is not a contract and relates solely to coordination among the signatory jurisdictions of the subject matters of mutual responsibility or concern as addressed herein. It does not create obligations or establish rights not otherwise provided by law and specifically creates no third party beneficiaries.

C. This agreement also provides for mutual cooperation **in** emergency-related exercises, testing, and other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by the participating jurisdictions and federal installations.

D. This agreement does not replace or supersede any existing mutual aid agreements.

#### ARTICLE II - GENERAL IMPLEMENTATION

A. Each participating jurisdiction and federal installation recognizes that emergencies and disasters transcend Jurisdictional boundaries and that inter-governmental coordination is essential in managing these emergencies. Each participating jurisdiction and federal installation further recognizes that responsibility for the initial response rests with the individual jurisdiction. When the magnitude of the incident exceeds the capability of any one Jurisdiction to respond effectively, then that Jurisdiction may request assistance under the provisions of this agreement.

B. The prompt, full, and effective utilization of resources of the participating Jurisdiction or Commonwealth or federal installation and any resources on hand or available from the Commonwealth, federal government or any other source, which are essential to the safety, care, and welfare of the people in the event of any emergency declared by a local government or the Commonwealth of Virginia, shall be the underlying principle on which all provisions of this agreement shall be understood,

C. The government official of each participating jurisdiction and federal installation who is assigned responsibility for emergency management will be responsible for formulation of the appropriate inter-governmental mutual aid plans and procedures necessary to implement this agreement.

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E. Disputes between participating jurisdictions and federal installations as to matters arising within the content of this agreement should be resolved at the lowest possible level. Such resolution should start with jurisdiction-to-jurisdiction discussion. HREMC Chairman will serve as dispute resolution manager unless the chairman's agency is a party to the dispute, in which case a dispute resolution manager will be chosen by the HREMC membership. The dispute resolution manager is not intended to have authority to act in a capacity other than as a non-binding ombudsman in dispute resolution.

### ARTICLE III - RESPONSIBILITIES

A. When notified of an emergency condition, the Department of Emergency Services-Virginia Emergency Operations Center (VEOC) will notify unaffected HREMC jurisdictions by telephone, FAX, Virginia Criminal Information Network (VCIN) or other best available means. Furthermore, the unaffected jurisdictions will be requested to put their emergency management organization on stand-by until such time as the Department of Emergency Services notifies unaffected Jurisdictions that the incident has de-escalated and to stand-down.

B. Each participating Jurisdiction and federal installation will formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, each participating jurisdiction and federal installation, insofar as practical, will-

1. Complete a resource needs assessment to anticipate resources that may be requested during any emergency or disaster incident within that jurisdiction. This assessment should include personnel and their skills, knowledge and abilities.

2. Inventory and set procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

3. Plan to send human resources as self-sufficient units if the need is for an extended period of time or if the distance between the jurisdictions is greater than 50 miles. Plan staffing to include 12 hour shift changes.

4. Provide, to the extent authorized by law, for temporary suspension of any ordinances that restrict the implementation of the provisions of this agreement.

C. The emergency manager of a participating jurisdiction or federal installation may request assistance of another participating jurisdiction or federal installation through the Virginia Emergency Operations Center (VEOC), Regional Coordinator(s) of the Department of Emergency Services, or via direct request. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 90 days of the verbal request. Requests should provide the following information:

1. A description of the emergency management function for which assistance is needed, such as, but not limited to, emergency management administrative support (Coordinator and/or Deputy Coordinator), public information, fire services, radiological monitors, law enforcement, emergency medical services, transportation, communications, damage assessment, mass care, resource support and health and medical services.

2. The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time that they will be needed.

3. The specific place and time for staging of the assisting party's response and a point of contact at that location.

D. There will be frequent consultation between the members of the HREMC with free exchange of information, plans, and resource records relating to emergency capabilities.

#### ARTICLE IV - LIMITATIONS

Any participating jurisdiction and federal installation requested to render mutual aid or who exercises or trains for the benefit of mutual aid will take such action as is necessary to provide and make available the resources covered by this agreement in accordance with the terms hereof; provided that it is understood the jurisdictions rendering aid may withhold resources to the extent necessary to provide reasonable protection for each jurisdiction and federal installation, will afford to the emergency service providers of any other participating jurisdiction or federal installation, while operating within its boundaries under the terms and conditions of this agreement, the same powers, duties, rights and privileges, as are afforded forces of the jurisdiction in which they are performing emergency services. Emergency services providers will continue under the command and control of their regular leaders, but the organizational unit will come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency by the Governor or by the local government that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency remains in effect, or loaned resources remain in the receiving jurisdictions, whichever is longer.

#### ARTICLE V - LICENSES AND PERMITS

To the extent authorized by law, whenever any person holds a license, certificate, or other permit issued by the Commonwealth of Virginia evidencing the meeting of qualifications for professional, mechanical, or other skills such person may be permitted by a receiving jurisdiction to render aid involving such skill to meet an emergency or disaster situation. Response team personnel holding appropriate and applicable certifications issued under the authority of a state agency outside the Commonwealth will be acceptable under the terms of the Emergency Management Assistance Compact, Title 44-146.28:1 of the Code of Virginia.

#### ARTICLE VI - SUPPLEMENTARY AGREEMENTS

Nothing herein contained shall preclude any participating Jurisdiction or federal installation from entering into supplementary mutual aid agreements with another jurisdiction or jurisdictions or affect any other agreements already in force between jurisdictions and federal installations. Supplementary agreements may include, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire police, public utilities, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

#### ARTICLE VII - COMPENSATION

To the extent authorized by law, each participating jurisdiction and federal installation shall provide for the payment of compensation and death benefits to its injured members of the emergency forces in case such members sustain injuries or are killed while rendering aid pursuant to this agreement, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction. Each participating jurisdiction and federal installation providing assistance will compensate its employees according to its policy at the time of the incident. The costs will be reflected in a final report requesting reimbursement from the receiving jurisdiction.

#### ARTICLE VIII - REIMBURSEMENT

To the extent authorized by law, each participating jurisdiction and federal installation rendering aid in another jurisdiction pursuant to this agreement shall be reimbursed by the participating jurisdiction and federal installation receiving such aid for any loss or damage to or expense incurred in, the operation of any equipment answering a request for aid and for the costs incurred in connection with such requests-provided, that any participating jurisdiction or federal installation may assume in whole or in part such loss, damage, expense, or other costs, or may loan such equipment or donate such services to the receiving jurisdiction without charge or cost; and provided further, that any two or more participating jurisdictions or federal installations may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. The participating jurisdiction or federal installation providing assistance shall

submit a financial final report of costs to the jurisdiction or federal installation that received the assistance within 90 days of termination of the event.

#### ARTICLE IX - EVACUATION

Plans for the orderly evacuation and inter-jurisdictional reception of portions of the civilian population as the result of any hazard of sufficient proportions to so warrant, will be worked out and maintained between the participating jurisdictions and federal installations. Such plans will be put into effect by request of the Coordinator of Emergency Services of the Jurisdiction from which the evacuees come and will include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, the forwarding of such evacuees to other areas or the bringing ' of additional materials and supplies, and all other relevant factors. Such plans will provide that the participating jurisdiction or federal installations receiving the evacuees and the participating jurisdiction or federal installations from which the evacuees come shall mutually agree as to reimbursement for out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines, medical care, and like items. After the termination of the emergency, the participating Jurisdiction or federal installation from which the evacuees came will assume the responsibility for the ultimate support of repatriation of such evacuees.

#### ARTICLE X - IMMUNITY FROM LIABILITY

As provided for under Section 44-146.23, Code of Virginia, neither the Commonwealth nor any political subdivision as party to this agreement, nor, except in cases of willful misconduct, public or private employees engaged in emergency services activities, while complying with or attempting to comply with the provision of the Emergency Services and Disaster Laws, which provide the foundation for this agreement, shall be liable for the death of, or any injury to, persons or damage to property as a result of such activities. The provisions of this agreement shall not affect the right of any person to receive benefits to which he would otherwise be entitled under Chapter 3.2, Emergency Services and Disaster Law, Section 44-146.13 to 44-146.29:2, or under the Workers' Compensation Act, or any other pension laws, All other provisions or subsections of Section 44-146.23 shall not be exempted under the terms of this agreement.

#### ARTICLE XI - IMPLEMENTATION

A. This agreement shall become operative immediately upon its approval by the Board of Supervisors/City Council of the jurisdiction as between it and any other approving jurisdictions or federal installations. This agreement must be signed by an authorized representative of the governing body. Duly authenticated copies of this agreement and such supplementary agreements pursuant to this agreement shall, at the time of their approval, be provided to each of the participating jurisdictions and federal installations.

B. This agreement shall continue in force and remain binding on each participating jurisdiction or federal installation until the Chief Executive Officer of such participating jurisdiction or federal installation or other responsible official notifies the Hampton Roads Emergency Management Committee in writing. Such action shall not relieve the withdrawing jurisdiction from obligations assumed hereunder prior to the effective date of the withdrawal and shall not be effective until 30 days after notice thereof has been sent by the Chairman of the Hampton Roads Emergency Management Committee (HREMC) to the chief executive officer and duly authorized representatives of all the other participating jurisdictions and federal installations.

IN WITNESS WHEREOF, the local government or federal installation hereto as a party thereof, has executed this Agreement as signed and dated below.

TOWN OF CHINCOTEAGUE:

6. Consider Scheduling Public Hearing on Proposed Amendments to Business License Ordinance.

Town Attorney Poulson has completed his review of the business license ordinance. Council was presented a complete copy of the ordinance which outlined the proposed amendment. Council set August 5, 1996 as the date for the public hearing on the proposed amendments.

7. Consider Appointment to a Deer Control Task Force.

Mayor Thornton asked Councilman Taylor if he would like to serve on this committee. Councilman Taylor agreed. Several citizens were discussed for possible appointment to this task force. Council members will contact citizens and report at the July 1, 1996 meeting.

Council asked that a notice be place on Cable Channel 9.

8. Consider Waiver of Building Permit Fees on New Elementary School.

The architect for the construction of the new Elementary School has contacted the Town concerning the Town waiving the building permit fees for construction of the school.

Councilman Taylor moved, seconded by Councilman Howard to waive the building permit fees for construction of the new Chincoteague Elementary School. Unanimously approved.

9. Consider of VRS Option for Special Unreduced Retirement Benefits for the Town Manager Position.

The Town has received notification from Virginia Retirement Systems of a change in Sec. 51.1-155.2 of the Code of Virginia which allows a Town Manager, if involuntarily separated with 20 years of creditable service to receive unreduced retirement benefits at age 55.

Councilman Smith moved, seconded by Councilman Tolbert to notify VRS that the Town does not wish to participate in the change. Unanimously approved.

10. Consider Contribution to Accomack-Northampton Transportation District Commission for Public Transit System.

The Town has received a request from the Accomack-Northampton Transportation District Commission for a \$500.00 contribution toward a public transit system on the Eastern Shore. The Town has not received any guarantees that Chincoteague will be serviced by the transit system. The plan is not complete at this time.

Councilman Tolbert moved, seconded by Vice Mayor Tarr to deny a contribution until the Town can be assured Chincoteague will be serviced in the public transit system. Unanimously approved.

11. Lease of the Public Works Building "Town Garage" Located on Cropper Street.

Mayor Thornton stated the Chincoteague Volunteer Fire Company is interested in leasing the Town Garage located on Cropper Street under similar terms as the carnival grounds. The fire company wants to purchase a new fire truck which will not fit in the firehouse, but could fit in the Town Garage with modifications to the building.

Councilman Taylor moved, seconded by Councilman Howard to advertise a Public Hearing to adopt an ordinance for a 40 year lease of the the Town Garage property on Cropper Street. Unanimously approved.

12. Outgoing Council Members.

Vice Mayor Tarr expressed his sincere appreciation to Councilman Tolbert and Councilman Leonard for their service to the Town while serving on the Town Council. Vice Mayor Tarr also expressed his personal appreciation to Councilman Tolbert and Councilman Leonard for their knowledge, views, insight, and assistance while they have served on the Town Council together.

The other Council Members expressed their appreciation to Councilman Tolbert and Councilman Leonard.

Mayor Thornton announced a "swearing in" ceremony on June 28, 1996 at 5 p.m.

12. Adjournment.

Councilman Taylor moved, seconded by Vice Mayor Tarr to adjourn the meeting at 8:05 p.m.  
Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE JULY 1, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING**

Council Members Present

Harry S. Thornton, Mayor  
Royce L. Jones, Vice Mayor  
W. Graham Dill, III, Councilman  
Terry Howard, Councilman  
H. Austin Smith, Councilman  
John H. Tarr, Councilman  
John R. Taylor, Jr., Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Smith offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Welcome of New Council Members.

Mayor Thornton welcomed Mr. Royce Jones and Mr. Graham Dill as newly elected members of the Town Council.

5. Election of Vice Mayor.

Councilman Taylor moved, seconded by Councilman Howard to elect Councilman Royce L. Jones as Vice Mayor until July 1998. Unanimously approved.

6. Minutes of the June 3 and 20, 1996 Meetings.

Councilman Howard moved, seconded by Councilman Taylor to approve the minutes of the June 3 and 20, 1996 meetings as presented. Unanimously approved.

7. Council Information Items.

Councilman Howard asked about mailing a copy of the Meals and Transient Occupancy taxes ordinances to Virginia Hospitality and Travel Association. Town Manager Baker stated there was a request as a result of the June Council meeting actions asking for a copy of those ordinances . We forwarded those copies to them.

Councilman Howard also asked for clarification of preparation of Fiscal Year-97 budget for transfer to new budget year. Town Manager Baker stated the prepared budget for Fiscal Year-1997 was being transferred over to the bookkeeping system upon Council's approval.

Mayor Thornton asked for an update on the Business License ordinance. Town Manager Baker stated the process of drafting the appropriate public notice for advertisement of the Public Hearing. Once the notice is complete it will be put in the paper for the August 5, 1996 Council meeting. Councilman Howard asked that Council received both present and proposed amendments. Town Manager Baker stated they will.

#### 8. Committee Reports.

**Curtis Merritt Harbor Committee** - Councilman Smith reported there will be a handicapped slip put in at the Curtis Merritt Harbor. The Committee also agreed to surface the road that runs across the ramp and north and south along the berm, this will be done possibly by October. Councilman Smith also added that there has been an improvement in the storage area, however, there are a few more items that need to be removed. Councilman Smith commented on how well the Committee has pulled together to make the Harbor a better place.

Councilman Tarr commented that there may be a way to get the state to pave the road into the Harbor through V-DOT funds. Town Manager Baker will talk with Mr. Will Cummings in reference to this matter.

Councilman Smith added that only 80% of the leases have been returned. There will be notification to the delinquent slip holders.

**Mosquito Control Committee** - Councilman Smith reported they have had a fantastic season. For the month of May there was one (1) barrier spray, 5 days of fogging, 8 days of larvasiding, and 8 days of tick treatments. For the month of June, there was 1 aerial spray, 1 barrier spray, 14 days of fogging, 12 larvasiding days, and 21 tick treatments. Councilman Smith stated that so far this year there has been 1 flight. There was a mix-up on advanced notifications to those requesting notification of the flight. In the future all such persons will immediately be notified after talking with the pilot.

Councilman Smith also added that there has been an attachment ordered that goes on the Lico machine for tick spraying. This will be on line in the next 2 weeks. Ticks are currently addressed on a complaint basis only. The new

attachment will also help in the larvaciding process. A new report has been developed for a data base of needed information. Counts and complaints have been down and spraying has been decreased. An article will be put in the Town Newsletter for July requesting names of persons needing advance notice of aerial sprays, and also the telephone numbers to call for information, complaints, or positive comments. Councilman Smith said that John Bloxom has resigned his temporary position with Mosquito Control. Mr. Bloxom's position is being filled by Corky Collins. When spraying occurs the entire island is sprayed. Councilman Smith feels that the program is going well.

**Public Works Committee** - Councilman Tarr reported the Committee met on June 27, 1996. Mr. Crofton is expected to be out of lower Main Street in 1 week. The Committee decided to abate the Public Library's water rent as it is on a nonprofit status. There was some discussion on the maintenance on drainage ditches that Mr. West proposed. Councilman Tarr also reported that the Committee is reviewing modification to the monthly bulk trash collection.

**Pony Shuttle Committee** - Councilman Taylor requested volunteers for the Shuttle Busses. There will be a meeting on July 11, 1996, at 7:30 P. M.

Councilman Taylor added that he would like to get DMV back on Chincoteague.

**Planning Commission** - Councilman Howard reported the Planning Commission did not meet in June.

#### 9. Public Participation.

-Mary Grace Jester asked why there hasn't been anything done with Weldon Bowden's property. She stated Council should rewrite the Town ordinances to address this problem. Councilman Smith asked if the Health Department has been contacted. Mrs. Jester added that the old springs and mattresses be picked up by the Town.

-Mrs. Brenda Taylor also spoke about Mr. Bowden's property. Mrs. Taylor stated the conditions are so bad that Mr. Bowden has moved out of his own house. She also noticed sewage problems in the past until the grass has grown up around it and you can't see it any more. Vice Mayor Jones added that he spoke with Mr. Bowden today. Mr. Bowden said he would start cleaning it up and it would take about a week or so to clean it up. Councilman Smith plans to talk with Mr. Bowden on this issue. Mrs. Taylor is no longer living next to Mr. Bowden, but is unable to sell her property due to the condition of Mr. Bowden's property.

Councilman Smith added that the Council can't do anything to you that couldn't be done to Mr. Bowden. Mr. Bowden doesn't get any different treatment.

Town Manager Baker updated the audience of past actions. There were 2 issues years ago concerning Mr. Bowden's property. The first issue was untagged vehicles, and the other was an old home, or building which was thought to be an unsafe structure. The Health Department was called in to the property to check it out for health hazards. The Health Department was unable to help at all. The Court was unable to help with the inoperative vehicles on Mr. Bowden's property. Mr. Fred Tolbert asked if the Council will read an article in the Virginia Town and County Magazine about inoperative motor vehicles. Mayor Thornton requested that the Council look into this matter, and take every action that can be taken to solve this matter.

-Mr. Donald Birch stated that last year he used 1,000 gallons of water across from the Birchwood Motel. This year he used 31,000 gallons of water. The only thing he has ever used this meter for is to water a few flowers in that yard. The Public Works Committee denied any adjustment. Mayor Thornton said that the meter was checked and showed no faulty operation, therefore the request was denied. Councilman Tarr stated that the system was checked out and suggested that the meter be checked for the next several quarters and see if it has a problem. Mr. Birch said that he knows that there are no leaks, and used this meter only for watering flowers.

-Mr. Fred Tolbert told the Council there will be a School Board information meeting on the proposed Daugherty school site at Nandua 7:30 PM tomorrow. Mr. Tolbert requested that the Council attend this meeting because if the site is rejected the whole building plan will be delayed including Chincoteague.

-Mr. Richard Conklin stated that the Main Street road conditions are rough and need immediate attention. Town Manager Baker informed the Council that the water sample test taken did not pass, therefore, the water has to be chlorinated once again, and the test will be retaken. The earliest the test will be retaken is next week. The water test has to pass, before any paving can take place.

Mayor Thornton instructed Mr. West to fill the holes tomorrow and keep the holes filled until paving can be completed. If necessary Public Works can work overtime until the holes are filled.

Councilman Howard mentioned that there are holes beside the meter boxes that need attention. Councilman Tarr responded that those holes have been shown to the contractor.

Mayor Thornton presented awards to Mr. Donald Leonard and Mr. Fred Tolbert for their outstanding service on the Town Council.

#### 10. Deer Control Task Force.

Councilman Taylor informed the Council of the names of people interested in being appointed to the Deer Control Task Force. Mayor Thornton stated the



following persons have volunteered and are thereby appointed to serve on the Task Force: Councilman John R. Taylor, Jr., Fred Hoffman, Art Gillmer, Ruth Patzig, Miriam Johnston, Robert Lamphier, Ernest Rush, Samuel Merritt, Danny Horner, and Bobby Umphlett.

Mayor Thornton added these people be notified by letter of the future meeting date, time and place.

11. Crosswalks.

Councilman Howard stated that the church crosswalks have not been done and feels that it should be done.

12. Committee Assignments.

Mayor Thornton presented Council Members with Committee Assignments for the coming year.

Town Manager Baker read the committee assignments:

**Budget and Personnel** - Honorable John H. Tarr -Chairman, Honorable Royce L. Jones, and Honorable W. Graham Dill, III.

**Liaison** - Honorable John R. Taylor, Jr. -Chairman, Honorable W. Graham Dill, III, and Honorable H. Austin Smith.

**Charter, Ordinance, and Zoning** - Honorable H. Austin Smith -Chairman, Honorable John R. Taylor, Jr., and Honorable Terry Howard.

**Police Commission** - Honorable Harry S. Thornton, and Honorable Royce L. Jones.

**Public Safety** - Honorable Harry S. Thornton -Chairman, Honorable John R. Taylor, and Honorable John H. Tarr.

**Public Works** - Honorable John H. Tarr -Chairman, Honorable John R. Taylor, Jr. and Honorable Royce L. Jones.

**Mosquito Control** - Honorable H. Austin Smith -Chairman, Honorable W. Graham Dill, III.

**Cemetery Committee** - Honorable John R. Taylor, Jr. -Chairman, Honorable Terry Howard.

**Harbor Committee** - Honorable H. Austin Smith -Chairman, and Honorable Terry Howard.

**Planning Commission** - Honorable Royce L. Jones

**Meals & Tax Committee** - Honorable W. Graham Dill, III

Councilman Taylor moved, seconded by Councilman Smith to accept the Mayor's recommendation for the Harbor Committee, Planning Commission, and Meals Tax Committee. Unanimously approved.

13. Report from Islands District Supervisor Thornton.

Supervisor Thornton welcomed the new members to the Town Council, and added that she was proud of the Town's improvements to the community.

Supervisor Thornton said that shoulders are needed on Route 175 and she has informed VDOT of this.

The update on the Nursing Home Action, Terrell Boothe has been appointed to this committee and has negotiated a fine contract to date for the lease to NAM Hospital on September 1, 1996, with the county residents having first priority to the home with the money paid back to the county over a period of time.

Supervisor Thornton updated the Town Council on the Sewage Regulations. Mr. Alexander advised Supervisor Thornton that the sewage regulations would not be implemented. There will be a new committee formed, and Supervisor Thornton has been appointed on that committee. The sand on sand policy will be implemented. There will be a meeting in mid-July. Supervisor Thornton is trying to get Town Manager Baker on this committee for further support.

Supervisor Thornton also spoke about the drainage funds. Mr. West and Town Manager Baker are preparing costs for Supervisor Thornton to present to the County for purchase of material and source of supply.

The Army Corps of Engineers conducted a groundwater survey for the Eastern Shore which has been completed. We need to object to the use of such resources and using funds for projects that are not authorized for spending. The County objected to the storm water runoff, and pollution abatement, and would not endorse such a plan.

Supervisor Thornton also added that the County needs support at tomorrow's School Board Meeting at Nandua High School.

The County approved the FY-97 budget. The budget includes semi-annual billing, and proration of personal property taxes. The County has approved automating all the County offices.

Supervisor Thornton said that the Sole Source Aquifer will do nothing to protect our ground water on the Eastern Shore and recommended to the board that we try to prevent this from being approved as it is another level of government. She has also asked for the State's support in this matter.

If the Town Council requests help from the County for DMV, please request it of Supervisor Thornton.

Supervisor Thornton advised the Council of the County committee appointments, Councilman Taylor has been reappointed to the Social Services Board, Nancy Conklin has been appointed to the Planning Commission, and Bob Conklin has been appointed to fill Supervisor Thornton's position on the Industrial Development Authority. She also needs to make an appointment to Parks and Recreation. If anyone has any idea of someone who would like to handle this

please let Supervisor Thornton know. Councilman Taylor stated Mr. J. Wesley Jeffries is very interested.

The County has scheduled a work session on July 15, 1996 to discuss the Efficiency Audit, and hopefully a lot of it will be implemented.

Supervisor Thornton advised the Council that the bids for the construction of the causeway bridges were more than 7% over budget.

The County is still trying to get the tipping fees alleviated from the towns. There is still a committee that is working to get a definite plan on how everyone can share in this burden.

Councilman Taylor asked Supervisor Thornton for the County's support of DMV office on Chincoteague with no expense to DMV. A motion was made by Councilman Taylor to send a letter asking support of the County in reference to the Town obtaining a DMV office at the expense of the Town. Second by Councilman Smith. Unanimously approved .

14. Cancellation of July Work Session.

Councilman Taylor moved, seconded by Councilman Howard to cancel the July Work Session meeting scheduled for July 18, 1996. Unanimously approved.

15. Two Year Extension of Virginia Department of Emergency Services Hazardous Materials Response Team Agreement.

A motion was made by Councilman Howard to extend the Virginia Department of Emergency Services Hazardous Materials Response Team Agreement for another 2 years. Second by Councilman Tarr. Unanimously approved

16. Planning Commission Resignation.

Mr. Parker Selby submitted his resignation of his seat on the Planning Commission. Council will consider appointment of the unexpired term.

Two names were added to the list for consideration of appointment; Mr. Nolan Warnick and Mr. James Kunkel.

17. Bank Resolutions.

Councilman Taylor moved, seconded by Councilman Howard to adopt the Corporate Resolutions and Signatory authority for the Town Bank Accounts at the Marine Bank, Shore Savings Bank, and Farmers and Merchants Bank. Unanimously approved.

18. Other Public Comments.

-Mrs. Nancy Conklin asked the Council about a law that prohibits people from stepping off of the sidewalk into the guttering. Councilman Taylor added that he felt there was a law that prohibits pedestrians from stepping off of the sidewalks into the streets outside of the crosswalks. This law would protect the pedestrians against on coming traffic. Councilman Howard and Councilman Taylor both agree that this issue needs to be addressed before an accident happens. Mayor Thornton said that this would be looked into and be addressed at another time.

-Supervisor Thornton asked the Town Council if the Town wanted to be eliminated if possible from the Sole Source Aquifer. Tangier has been eliminated. The Council agreed to be eliminated from the Sole Source Aquifer if possible.

**Mayor Thornton announced the next meeting of the Town Council will be August 5, 1996.**

19. Executive Session.

Councilman Howard moved, seconded by Councilman Smith to go into Executive Session under Section 2.1-344 of the Virginia Code to discuss personnel matters; unanimously approved.

Councilman Smith moved, seconded by Councilman Howard to reconvene in Regular Session; unanimously approved.

Councilman Smith moved, seconded by Councilman Howard to adopt a resolution of certification of the Executive Session;

WHEREAS, the Chincoteague Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard discussed or considered by the Town Council.

VOTE: Ayes - Smith, Howard, Taylor, Jones, Tarr, Dill  
Nays - NONE  
Absent - NONE

ATTEST: \_\_\_\_\_  
Town Manager

20. Police Department.

Councilman Howard moved, seconded by Councilman Dill to accept the Police Chief's recommendation to abolish the Administrative Assistant I position in the Police Department and to offer the employee currently holding that position a dispatcher position with no reduction in salary. Unanimously approved.

21. Adjournment.

Councilman Smith moved, seconded by Councilman Howard to adjourn the meeting at 10:30 p.m. Unanimously approved.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

**MINUTES OF THE AUGUST 5, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING**

Council Members Present

Harry S. Thornton, Mayor  
Royce L. Jones, Vice Mayor  
W. Graham Dill, III, Councilman  
Terry Howard, Councilman  
H. Austin Smith, Councilman  
John H. Tarr, Councilman  
John R. Taylor, Jr., Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Taylor offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Approval of Minutes of the July 1, 1996 Meeting.

Councilman Taylor moved, seconded by Councilman Tarr to approved the minutes of the July 1, 1996 meeting as presented. Unanimously approved.

5. Council Information Items.

6. Committee Reports.

**Harbor Committee** - Councilman Smith reported the Harbor seems to be running smoothly. All leases have been renewed with the exception of five. The Committee expects the five will come forth shortly. The Committee anticipates the Harbor Road will be paved in September or October 1996.

**Mosquito Control** - Councilman Smith stated the Mosquito Control has received a few complaints. General operations have had limited reported complaints. The Mosquito Control program will continue as set. Tick and additional spraying will be done on a request basis within the application limits. Councilman Smith asked if Mosquito Control makes a mistake, please contact the Town.

**Budget and Personnel Committee** - Councilman Tarr stated the Committee met in July. Budget and Personnel matters were being review and discussed to bring the two new members of the Committee up-to-date.

**Public Works Committee** - Councilman Tarr reported the Committee has met with VDOT representatives concerning the Deep Hole Road project. Traffic counts are being performed on the Island this week. Public Works is currently developing the punch list for the Main Street Waterline Project to be presented to the contractor. Councilman Tarr also reviewed the Fall paving schedule.

**Pony Penning Shuttle Committee** - Councilman Taylor reported the Committee will meet on August 8, 1996 for a debriefing session. The 1996 Pony Penning Shuttle was a success. Councilman Taylor commended everyone who assisted in a fine operation this year. Councilman Taylor recommended a Letter of Commendation be written and put in each employee's personnel file.

Councilman Taylor moved, seconded by Councilman Smith to have a Letter of Commendation placed in each employee's personnel file for their work on the 1996 Pony Penning Shuttle. Unanimously approved.

**Deer Task Force** - Councilman Taylor reported the Deer Task Force met on July 30, 1996 with representatives of the Game Commission. Sixteen people were in attendance. Councilman Taylor gave Council an update on the Committee's discussions with a very open mind. The Committee will have the full cooperation from the U.S. Fish & Wildlife. The next meeting of the Deer Task Force is scheduled for August 20, 1996 at 7:30 p.m.

7. Public Participation.

-Mr, Rick Scherer stated local watermen are concerned about wakes from recreational watercraft especially when vessels are tied to docks unloading their catch.

Town Attorney Poulson stated he belief that the Commission on Game and Inland Fisheries requires a Resolution from the governing body for the Commission to enforce “no wake” zones. The United States Coast Guard does not enforce such things as “no wake” zones.

Councilman Howard feels the Town should research this matter. Councilman Dill asked if specific areas can be identified as “no wake” zones. The responsse was yes.

8. Public Hearing on Proposed Amendments to Business License Ordinance.  
Mayor Thornton called the Public Hearing to order at 7:55 p.m.

The proposed amendment to the Town’s Business License Ordinance are as follows:

SEE ORDINANCE BOOK OR MINUTE BOOK

Town Attorney Poulson stated the amendments were in compliance with changes to the Code of Virginia made July 1, 1996.

Councilman Howard asked if Sec. 10-8 (d) was proposed by the Town. This section is as stated in the Code of Virginia.

Mr. Fred Tolbert asked if any solution was found regarding submission of gross receipts by March 1 of each year since most businesses will not have their books returned from their accountants. The ordinance provides up to a 90 day extension on a case by case basis.

Mayor Thornton closed the Public Hearing at 8:05 p.m.

Councilman Tarr moved, seconded by Councilman Dill to adopt the amendments to Chapter 10 of the Code of the Town of Chincoteague concerning business license. Unanimously approved.

9. Certificates of Appreciation

Several members of the Chincoteague Planning Commission will not be continuing service on the Commission for various reasons. Mayor Thornton requests Council’s consideration of Certificates of Appreciation to The Honorable Terry Howard, Mr. Elva Whealton, and Mr. Parker Selby.

Councilman Taylor moved, seonded by Councilman Dill to approve Certificates of Appreciation to these individuals for service to their community. Unanimously approved.

Mayor Thornton then presented Councilman Howard with his Certificate of Appreciation.

10. Consider Appointments to the Chincoteague Planning Commission.  
Councilman Taylor moved, seconded by Councilman Howard to reappoint Mrs. Nancy Conklin to the Planning Commission. Mrs. Conklin's term will expire December 31, 2000. Unanimously approved.

Vice Mayor Jones asked for a postponement of further appointments to the Planning Commission until the August Work Session. Council agreed.

11. Ratification of Declaration of Local Emergency.  
Council is requested to ratify the Declaration of Local Emergency declared by the Director of Emergency Services due to the threat of Hurricane Bertha.

Councilman Howard moved, seconded by Councilman Smith to ratify the Declaration of Local Emergency. Unanimously approved.

12. Report on Ridge Road Property
13. Post Mark for the Town of Chincoteague.
14. FY'96 Refuge Revenue Sharing Payment
15. Request for Installation of Above and Below Ground Fuel Tanks
16. DMV Mobile Unit
17. Consideration of Chincoteague Attributes
18. Executive Session
19. Chincoteague Island Visitor's Survey
20. Adjournment

**MINUTES OF THE SEPTEMBER 3, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING**

Council Members Present

Harry S. Thornton, Mayor  
Royce L. Jones, Vice Mayor  
W. Graham Dill, III, Councilman  
Terry Howard, Councilman  
H. Austin Smith, Councilman  
John H. Tarr, Councilman  
John R. Taylor, Jr. Councilman



1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Dill offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Minutes of the August 5 and 15, 1996 Meetings.

Councilman Howard moved, seconded by Councilman Dill to approve the minutes of the August 5 and 15, 1996 meetings as presented. Unanimously approved.

5. Council Information Items.

-Councilman Smith asked if Mr. Rick Scherer could present the Town with areas which need to be designated as "No Wake" zones. Councilman Smith also asked if the Town could adopt a resolution concerning "No Wake" zones without specifying the zones.

Town Manager Baker responded he would contact Mr. Scherer for his assistance in "No Wake" designations. At the last Council meeting, Town Attorney Poulson gave section numbers of the State Code for the Town Manager to research concerning this topic, however the Town Manager has been unable to conduct the research.

-Councilman Howard asked if the plat of the Shelly property has been located and reviewed. Town Manager Baker stated he has been unable to conduct the research on this matter in the Accomack County Clerk's office.

6. Committee Reports.

**Ordinance Committee** - Councilman Smith stated the Committee will meet on September 12 at 7:30 p.m. The Committee is awaiting information from Town Attorney Poulson in regard to possible adoption of Volume II of the Uniform Statewide Building Code.

**Mosquito Control** - Councilman Smith reported Mosquito Control is within their budget. Complaints have been few. Mosquito Control will probably use the same program for next year. Councilman Taylor asked if Mosquito Control has considered control of the caterpillars which have infested the area twice this year. Councilman Smith responded that spraying for gypsy moths requires a concentrated spray normally performed by a helicopter. They are trying to find what type chemical which can be purchased over the counter by the consumer will kill the gypsy moths. When the information is received, Mosquito Control will publish the information in the newspaper.

**Harbor Committee** - Councilman Smith reported the Committee will meet on September 10 at 7:30 p.m.

**Planning Commission** - Vice Mayor Jones reported the Planning Commission met on August 27. Mrs. Nancy Conklin was elected Vice Chairman. New members, Mr. Jester and Mr. Thornton were in attendance. The Planning Commission will be forthcoming with a proposal to raise the fee for advertising cases to be heard by the Board of Zoning Appeals as the current rate does not cover the cost of advertising. The Commission also discussed regulating banners. Several items will probably be forthcoming to Council for consideration.

**Budget and Personnel Committee** - Councilman Tarr stated the Committee at their meeting reviewed the personnel policies in regard to the EMT employees. Proposals will be forwarded to Council in the future. The Committee reviewed the budget for the month of July.

**Public Works Committee** - Councilman Tarr reported the paving of North Main Street is scheduled for September 11 through 13, 1996. A grading request from Mr. Joseph Abell was reviewed and denied. Mr.

Abell's request was not in compliance with the Town's policy. A brochure from VDOT concerning bicycle rules and paths was reviewed.

**911 Street Name Committee** - Councilman Taylor reported that Mr. Galambos asked for the lane off Willow Street be named "Whealton". There is already a "Whealton" which is located off Cakey Lane. The request was denied. Mr. Galambos was asked to submit another suggestion for review by the Committee.

**Deer Task Force** - Councilman Taylor stated the Deer Task Force will meet on September 17, 1996. The first meeting was very good, but they still have a long way to go to develop a plan for our community. The Force also has a telephone survey planned for local information on this problem.

**Chincoteague Recreation & Convention Center Authority** - Mr. Donald Leonard reported the Authority has received a bank's authorization to borrow up to \$175,000.00 to outfit the facility. The first occupancy will be mid-October. The Authority feels the construction is on schedule. Mrs. Nancy Conklin will plan the landscaping with the Beautification Committee.

#### 7. Public Participation.

**Mr. Mike Meyers** - Main Street Pottery - His original building is as close as 6" to 1 ft. from the property line. His neighbor has asked for a permit and been approved to erect a fence along the property line. The fence will prevent Mr. Meyers from maintaining his building on the fenced side. Mr. Meyers asked if there could be something in the zoning ordinance to prevent this from happening again.

**Mrs. Ruth Tolbert** - read a letter from Fred Tolbert in reference to the Mayor and Council salary increase. Mr. Tolbert stated in the letter that he attended the Council workshop meeting in August, when the motion was made and passed to increase the salaries of the Mayor and Council. Mr. Tolbert made the comment that the Council was rushing into the motion without giving the public a chance to comment on it. Mr. Tolbert doesn't have an objection to raising the salary of public officials if it is justified. However, Mr. Tolbert does not feel that it is justified at this time for several reasons:

1. During FY'97 budget preparations, the Council had to trim \$200,000.00 to balance the budget.
2. The Town Manager asked during this process, if an increase in the Council salaries was to be considered. The Budget Committee did not consider an increase.
3. If the Council wanted to incorporate a salary increase, it should have appeared during the budget hearing or at a later date as an agenda item
4. To do this in the manner in which it was done, certainly does nothing to establish the confidence in our local governing body, and will add to the lack of credibility in the political process that is occurring throughout our country.

Mr. Tolbert requested that Council rescind the salary increase, and reinstate the request through proper channels at a later date, if necessary.

**Mr. Terrell Boothe** - stated his opposition to the salary increase. Mr. Boothe suggested salary increase consideration go through the budget process. Mr. Boothe stated that the candidates seeking election knew the intention to seek a salary increase and should have informed the public. It should have been an agenda item, and should have been properly handled. It may be legal, but is ethically wrong.

**Mr. James Frese** - feels this action was late in coming and the increase should have been done sooner based upon the number of hours Council puts into this community. Mr. Frese also feels that the increase should have been larger.

**Mr. Mike McGee** - agrees with Fred Tolbert. This should have been done before the election, with a possibility the election outcome may have been different. Mr. McGee feels the action was under-the-table and at the wrong time.

**Mr. Donald Leonard** - stated he was in attendance at the budget meeting when the question was first posed to the Committee. Income projections were down, and expenses were up. It is the obligation of all department heads and the Council to list all possible budget items at the proper time. Action was taken without being advertised. Mr. Leonard feels that the increase was done somewhat secretly. We have other members of this community who donate their time, more than the Council, who don't get any payment; Volunteer EMT's and the Firemen. If this was done openly with an opportunity for public comment, he wouldn't have had any comment.

**Mr. Tommy Clark** - feels the increase of salary is ridiculous when the Town cut \$200,000.00 from the budget. The Council knew what the job paid when they took it and shouldn't be changed without public input. What Council receives is not enough, but this is not the way to handle the matter. Mr. Clark feels Council needs to listen to the public and act accordingly. Mr. Clark feels too many matters are decided prior to the meeting.

**Mr. Roe Terry** - feels there is an over abundance of ordinances and now a "No Wake Zone" ordinance is possible. Mr. Terry asked if approved, who will enforce it? What will the penalty be? Mr. Terry feels the Town can't handle the speeders and weeds that currently exist in the community. The Town has enough to tend to without adding new laws that can't be enforced.

**Mr. Tommy Clark** - in reference to the "No Wake Zone", suggested Council stand on the dock and see what boats generate the largest wakes; the working watermen. Mr. Clark asked Council to conduct considerable research on this matter, not only the legal aspect, but what is right for the public.

**Mayor Thornton** - stated the rumor that the increase was done underhanded and in secret is not true. The Council meets the first Monday of each month and the third Thursday of each month for work session. Mayor Thornton stated there was not a citizen present when Council adopted the \$3,000,000.00 budget. There were some present for the budget public hearing. Citizens did not express concerns when the Town waived the building permit fee for the new school. Actions are taken at work sessions/special meetings as well as regular meetings.

**Mr. Terrell Boothe** - suggested Council call the work session a regular meeting and publish an agenda for the meeting. Mayor Thornton stated Council could change this through the General Assembly.

**Councilman Taylor** - stated he was originally opposed to the work sessions. Councilman Taylor has a problem with the accusation that he has done something wrong.

**Councilman Smith** - stated he would like to contact Falcon Cable to get the meetings publicized.

**Councilman Howard** - agrees with Mayor Thornton for a Charter change through the General Assembly to establish two regular meetings per month.

**Councilman Tarr** - stated he has personally has attended in the past two years are: 46 Council meetings, 67 committee meetings, 40 or so special meetings, and missed 6 to 8 weeks of work. Councilman Tarr also stated he knew nothing of this matter before the matter was presented.

**Mr. Donald Leonard** - in reference to his letter published in the paper, he was quoted verbatim, with an exception of the word "underhanded". Mr. Leonard still feels this was well planned and was to be presented at a poorly attended work session.

**Councilman Howard** - in response to Mr. Leonard's statement, Councilman Howard asked Mr. Leonard, why he feels it was well planned. A Council work session/special meeting is a regularly scheduled meeting and has been for some length of time. If there were any plans, Councilman Howard stated he was not aware of them.

**Mr. Donald Leonard** - asked Town Manager Baker if this was not brought up at the Budget Committee meeting. Mr. Baker responded that it was brought up.

**Councilman Howard** - responded that he did hear other Council members mention a pay raise, but not that it was going to happen at a work session which is a poorly attended meeting. Councilman Howard further stated he did not believe a plan was developed to take any action in the manner suggested.

**Councilman Smith** - said he didn't believe there were any plans to present a salary increase at a work session. If it was, they could have gone into and out of executive session before a motion was made, to insure no one was in attendance. The meeting was covered by a representative from Eastern Shore News, who was in attendance.

**Mr. Tommy Clark** - stated the Town should take more time planning and researching matters before voting on them.

**Councilman Dill** - asked why work sessions say /special meeting.

**Mayor Thornton** - responded he allows the public an opportunity to speak at all meetings because if someone attends a meeting they usually have something to say.

**Councilman Taylor** - commented on Mayor Thornton being very fair in allowing citizens the opportunity to speak. No one has ever been denied to speak their mind.

**Town Attorney Jon Poulson** - stated it may be premature to discuss a charter change. An option would be for Council to not adjourn the 1st meeting of the month, but to recess the meeting until the 3rd Thursday.

**Councilman Taylor** - stated in some jurisdictions, the governing body does not make any decisions discussed at the first meeting. Actions are taken at the next meeting

**A Citizen** - asked why the Community Center needed to borrow money.

**Mr. Donald Leonard** - responded the construction contract went over the funds allotted for construction. Upon completion of construction, the building will need to be outfitted, i.e. tables, chairs, etc.

**Mr. Terrell Boothe** - in reference to Mr. Meyers' problem, stated the Planning Commission and Council need to give more consideration to current laws prior to adoption of any more amendments. Mr. Boothe stated Building and Zoning Administrator Lewis is following the law and doing an excellent job. Mr. Boothe feels Council should consider any additional hardships they may be putting on the citizens of the island.

Councilman Howard agreed. Councilman Smith also agreed, but related a telephone call he received concerning another new ordinance. Mr. Boothe suggested Council consider the enforcement of rules and let the public be better informed prior to Council actions.

8. Public Hearing on Proposed Ordinance to Vacate a Property Line in a Subdivision.

The item was withdrawn by the property owner.

9. Consider Bids on Gasoline and Fuel Oil Tanks and Pumps.

The Town has received two bids for the acquisition of three 2,000 gallon double wall above ground storage tanks and two dispensing pumps for installation at the new Municipal Complex. The tanks will be used for gasoline and diesel fuel at the Public Works building and one for fuel oil at the Municipal building.

Bids were received from Tate Engineering in the amount of \$15,740.00 and Jones & Frank in the amount of \$20,457.84. The Public Works Committee recommends award to Tate Engineering as low bidder.

Councilman Smith moved, seconded by Councilman Taylor to award the acquisition and installation of three above ground storage tanks and two dispensing pumps to Tate Engineering in the amount of \$15,740.00. Unanimously approved.

10. Consider Request from Accomack County School Board.

Councilman Taylor moved to waive fees for water service to the new Chincoteague Elementary School. There was no second to this motion.

Council decided to table discussion of the matter until Town Manager Baker can obtain information on what other affected communities are doing.

11. Consider Responding to Negative Advertising Affecting Tourism on Virginia's Eastern Shore.

The International Union of Operating Engineers has erected signs, distributed fliers, and other advertising methods asking motorists to avoid crossing the Chesapeake Bay Bridge Tunnel. The union is concerned with the construction contractor for the second span project hiring non-union labor. Councilman Dill has discussed this matter with the Delmarva Tourism Group. The effect on Chincoteague tourism is not known. Councilman Dill stated the greater impact is along the Route 13 corridor, since Chincoteague is a destination. The Chincoteague and Eastern Shore Chamber of Commerce has sent a letter to the union, and suggests the Council also send a letter expressing concern over the union's actions.

Councilman Smith moved, seconded by Councilman Howard for Town Manager Baker to draft a letter to the union expressing concern with the affect union actions may have on local tourism for review by the Council at the Work Session. Unanimously approved.

12. Planning Commission Resignation.

The Town has received a letter of resignation for the Town's Planning Commission from Mrs. Mary Lou Birch.

Councilman Taylor moved, seconded by Councilman Howard to accept Mrs. Birch's resignation. Unanimously approved.

Council requested a list of citizens to be considered for appointment be brought to the September 19 meeting. Council asked for a advertisement of interested citizens be placed on cable channel 9 and in the Chincoteague Beacon.

13. Consider Change Order #5 on Construction of Municipal Center Complex.

Councilman Tarr stated there are some change orders which Council needs to address on the construction of the Municipal Complex. Public Works Director West is requesting 5 sheets of the building's siding for repair if the buildings should get damaged. A sprinkler system must be installed to meet all fire codes. One exhaust fan needs to be relocated. There is a requirement to install a 2" raceway for lighting in the 911 room. Councilman Tarr recommended the first 3 items be accepted, and the \$304 for the raceway not be accepted.

Councilman Taylor moved, seconded by Councilman Dill to approve the first 3 items of the change order and to disapprove the lighting raceway. Unanimously approved.

14. Virginia Municipal League Conference Registration.

Town Manager Baker distributed information and registration packets to Council. Council Members interested in attending should contact the Town Manager by September 16, 1996.

15. Community Food Bank.

Councilman Taylor stated the Community Food Bank has been established on Chincoteague for over 10 years. Recently, the Food Bank has experienced problems getting the food to the Island to distribute. Councilman Taylor asked Council to consider allowing a Town vehicle to pick up from Tasley and deliver to Chincoteague the food for distribution.

Mayor Thornton directed the Town's Public Works Department to begin this service as part of their responsibilities. The Council agreed.

**Mayor Thornton announced the next meeting of the Town Council will be September 19, 1996 at 7:30 p.m.**

16. Adjournment.

Councilman Taylor moved, seconded by Councilman Howard to adjourn the meeting at 9:10 p.m. Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE SEPTEMBER 19, 1996  
CHINCOTEAGUE TOWN COUNCIL WORK SESSION/SPECIAL MEETING**

Council Members Present

Royce L. Jones, Vice Mayor  
W. Graham Dill, III, Councilman  
Terry Howard, Councilman  
John H. Tarr, Councilman  
John R. Taylor, Jr., Councilman

Council Members Absent

Harry S. Thornton, Mayor  
H. Austin Smith, Councilman

1. Call to Order.

Vice Mayor Jones called the meeting to order at 7:30 p.m.

2. Invocation.

Vice Mayor Jones offered the Invocation.

3. Pledge of Allegiance.

Vice Mayor Jones led in the Pledge of Allegiance.

4. Consider Request from the Chincoteague Recreation and Convention Center Authority.

Mr. Donald Leonard explained, the bank wants more security on the Authority's loan than the Authority can offer. Mr. Leonard asked if the Town would endorse the loan. Should the Authority default on the loan, the Town could withhold the transient occupancy tax from the Authority and give it to the bank. Mr. Leonard added the Bank would be satisfied with this arrangement. The term of the loan is 15 years.

Council wants to review a draft of the agreement that the Authority and Council would be signing for the Community Center loan. Council also wants Town Attorney Poulson to review the agreement. Councilman Taylor moved to consider the draft agreement at the October 7, 1996, seconded by Councilman Tarr. Unanimously approved.

5. Consider "Draft" Letter to International Union of Operating Engineers.

At a prior meeting, Council asked that a letter be drafted to International Union of Operating Engineers concerning the impact to the local economy from the negative advertising by the union in regard to construction of the Chesapeake Bay Bridge Tunnel.

The draft letter was presented to Council for their review.

Councilman Dill moved, seconded by Councilman Tarr to approve the letter and forward it to the Union. Unanimously approved.

6. Consider "Draft" Appeal Letter to the U.S. Fish & Wildlife Service.

At a prior meeting, Council unanimously voted to appeal the reassessment of local U.S. Fish & Wildlife property. The reassessment reduced the revenue sharing amount for the Town and increase the revenue sharing amount for Accomack County. The draft appeal was presented to Council for their review.

Councilman Taylor moved, seconded by Councilman Tarr to forward the appeal to the U.S. Fish & Wildlife Service. Unanimously approved.

7. Appointment to the Town Planning Commission.

Councilman Taylor moved, seconded by Councilman Howard to appoint Mr. Harry Harris to fill the unexpired term of Mrs. Mary Lou Birch on the Town Planning Commission. The term will expire 06/01/97. Unanimously approved.

8. Consider Award of Telephone System Purchase for Municipal Center.

The Town has received three bids for the telephone system to be installed in the Municipal Center. The bids are as follows:

| <u>Bidder</u>         | <u>System &amp; Installation</u> | <u>Warranty</u> |
|-----------------------|----------------------------------|-----------------|
| Motorola              | \$18,000                         | 1 year          |
| Bell Atlantic         | \$15,130                         | 1 year          |
| Island Communications | \$10,200                         | 2 years         |

Town Manager Baker recommends the telephone system and installation contract for the new Municipal Center be awarded to the low bidder, Island Communications.

Councilman Tarr moved, seconded by Councilman Dill to award the telephone system and installation contract to Island Communications in the amount of \$10,200. Unanimously approved.

9. Consider Award for Computer Network Installation in Municipal Center.

Following the last Municipal Center construction progress meeting, it was clear that is a two week window prior to the installation of the ceiling grid in which the installation of the telephone and computer wiring could be performed. In an effort to accommodate this two week period, a quote was obtained for the computer network installation from Island Communications. Island Communications quoted \$5,457.00 for this work. Town Manager Baker recommends Island Communications be awarded the computer networking contract.

Councilman Tarr moved, seconded by Councilman Dill to award the computer networking contract for the Municipal Center to Island Communications in the amount of \$5,457.00. Unanimously approved.

10. Reconsider Request from Accomack County School Board.

The Accomack County School Board has requested all fees and charges for the extension of water main and installation of water meter(s) to the new Chincoteague Elementary School be waived. A 6" water main would be required to be extended approximately 800 lineal feet from Deep Hole Road. In addition, the project calls for two meters; one 2" and one 6". Council had previously asked the extent other towns were involved in the waiving of fees for construction under the School Board's plans. The other proposed school construction sites are in areas where well water is used, with the exception of the Town of Parksley. The Town of Parksley has waived all water connection fees for the school construction with the water main being available at the proposed site.

Councilman Tarr moved, seconded by Councilman Howard to install a waterline extension to the new elementary school at no expense to the School Board with the School Board paying for the required water meters. Unanimously approved.

11. Consider Construction Change Order Credit on a Window at the Municipal Center.

Town Manager Baker informed Council the subcontractor installed a regular window not a bullet proof window in the vestibule to the dispatcher's office. The total amount of the credit is \$400.00. Does Council

want to accept the \$400.00 credit or have the subcontractor install a bullet proof window? Police Chief Dize recommends the window be bullet proof.

Councilman Taylor moved that the subcontractor replace the dispatcher's window with a bullet proof window, seconded by Councilman Tarr. Unanimously approved.

12. Consider Proposed Operating Procedure for Council.

Councilman Dill presented a proposed operating procedure for the Council. The proposed procedure is:

A non-agenda item requiring the expenditure of funds will not be acted upon until the next regular meeting, or the next regular scheduled special meeting/work session.

Council decided to table further discussion or action until the October meeting for consideration by the full Council.

13. Consider Request from Star Transit.

Star Transit has requested to use the Town parking lot behind the Chincoteague Senior Center as a public transit stop. They have also requested to erect a sign at that location identifying the transit stop. The sign is approximately 18" x 24". Star would like Chincoteague to be the terminus for the Accomack County route. The ANPDC has approved the operations plan for the transit system. The service is expected to begin October 7, 1996.

Councilman Howard moved, seconded by Councilman Dill to approve the request. Unanimously approved.

Councilman Tarr asked, if the transit system is successful, Council to consider a donation at a future meeting.

**Vice Mayor Jones announced the next meeting of the Town Council will be October 7, 1996 at 7:30 p.m.**

14. Executive Session.

Councilman Tarr moved, seconded by Councilman Howard to go into Executive Session under Section 2.1-344 of the Virginia Code to discuss personnel matters and for staff briefing on actual or probable litigation; unanimously approved.

Councilman Taylor moved, seconded by Councilman Howard to reconvene in Regular Session; unanimously approved.

Councilman Tarr moved, seconded by Councilman Taylor to adopt a resolution of certification of the Executive Session;

WHEREAS, the Chincoteague Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard discussed or considered by the Town Council.

VOTE: Ayes - Tarr, Taylor, Jones, Howard, and Dill  
Nays - NONE



Absent - Smith

ATTEST: \_\_\_\_\_  
Town Manager

15. VDOT - Corridor Designation.

Town Manager Baker informed Council of a letter Mr. Dick Tull brought to his attention in reference to the corridor for the new bridges. The letter stated the corridor is somewhere between Church Street to White Street. The letter also stated the Town had agreed to this corridor. Town Manager Baker added this statement was not true. The corridor is supposed to be as close to the existing bridge as possible. Town Manager Baker has contacted the new engineer Mr. Browder, who has not returned his call. The Town has not worked with VDOT in establishing this corridor. Town Manager Baker will be calling Mr. Browder again to correct this matter.

16. Shock Trauma Technician I and II Positions.

Councilman Tarr moved, seconded by Councilman Dill to approve the Shock Trauma Technician I and II position descriptions with current employees Rob Quillen as the Shock Trauma Technician I and Bryan Rush as the Shock Trauma Technician II. Unanimously approved.

17. Harvest Festival.

Councilman Tarr informed Council that Mayor Thornton has acquired a tent for the Town of Chincoteague at the upcoming Harvest Festival. Mayor Thornton intends to coordinate with the Chincoteague Chamber of Commerce to promote Chincoteague at this event.

18. Adjournment.

Councilman Tarr moved, seconded by Councilman Howard to adjourn the meeting at 9:55 p.m. Unanimously approved.

\_\_\_\_\_  
Vice Mayor

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Town Manager

**MINUTES OF THE SEPTEMBER 25, 1996  
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

Council Members Present

Royce L. Jones, Vice Mayor  
W. Graham Dill, III, Councilman  
Terry Howard, Councilman  
John H. Tarr, Councilman  
John R. Taylor, Jr., Councilman

Council Members Absent

Harry S. Thornton, Mayor  
H. Austin Smith, Councilman

1. Call to Order.

Vice Mayor Jones called the meeting to order at 7:30 p.m.

2. Purpose of the Special Meeting.

Town Manager Baker introduced Mr. Richard Hoffman, President of McLean, Ken Davis, Project Superintendant, and Tom Brown, Contract Manager for the construction project of the new bridges. This meeting was initiated last week to get together all the parties involved, and resolve problems before they were actually created throughout the operation of this project. McLean is concerned with the tight construction schedule of the bridges. The contractor needs to know if there would be any adverse

economic impact on the community if the project did not finish on the scheduled time of May 16, 1997. McLean is very concerned that the weather may be a factor in this tight schedule. McLean has proposed that Wire Narrows bridge be construct next winter. Then the contractor could work diligently to complete Mosquito Creek, and Cockle Creek by the deadline of May 16, 1997.

The Town is concerned with the impact on emergency vehicles traveling on the Causeway while it is under construction in regard to delays which may be caused by the traffic lights. There has already been an accident on Mosquito Creek and it may be the first of many yet to come. Town Manager Baker stated he spoke with Will Cumming this morning concerning the McLean contract. Mr. Cumming said VDOT could not agree to the proposal that McLean submitted.

Mr. Hoffmann stated he had received a telephone call this morning from VDOT informing him that the proposed schedule change would not be approved. He still wanted to meet with the Council to explain the extent of their contract and to emphasize that it is his intention to keep all inconveniences to the island's residents and businesses to a minimum during construction. He indicated that McLean would take every opportunity to keep the Town informed of their progress on this project and that they want to be a part of the community.

Mr. Hoffmann feels that with another approach to VDOT 2-way traffic is possible prior to completion of the project. At the proper time McLean will contact VDOT in this regard and will enlist the Town's support, as needed, to lessen any impacts to the community.

He stated the signal lights must be used until phase 2 of the project is completed. At completion of phase 1A lights could be removed and 2-way traffic could proceed with reduced lane width, if VDOT agrees to some modifications. However, he pointed out that 2 weeks of weather delays will delay the construction schedule. Mr. Hoffmann also added that the anticipated speed limit is 40 mph.

Phase 1 should be completed by February or March, phase 1A should be completed by May 16, 1997 (3 bridges should be completed at this time).

Councilman Dill asked why we were addressing this problem now. Mr. Hoffmann replied that they would do everything within their power not to adversely affect this community. Mr. Hoffmann also added that they can not do demolition and pile driving safely in the dark. McLean needs a work force of 30 to 40 persons on this job, and would like to hire half the crew from the community. If a "Mud Wave" is created McLean has been told that the environmentalists will shut down the project. These are some of the things that could slow down the project where there is already such a tight schedule. For now McLean is going to continue the regular schedule, and hope there can be a modification for another phase to postpone the deadline by VDOT.

3. Adjournment.

Vice Mayor Jones adjourned the meeting at 8:10 p.m.

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Vice Mayor

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Town Manager

**MINUTES OF THE OCTOBER 7, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING**

Council Members Present

Harry S. Thornton, Mayor  
Royce L. Jones, Vice Mayor  
W. Graham Dill, III, Councilman  
Terry Howard, Councilman  
H. Austin Smith, Councilman  
John H. Tarr, Councilman  
John R. Taylor, Jr., Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Minutes of the September 3, 20 and 25, 1996 Meetings.

Councilman Taylor moved, seconded by Councilman Howard to approve the minutes of the September 3, 20, and 25, 1996 meeting as presented. Unanimously approved.

5. Council Information Items.

-Councilman Smith asked the status of the situation with Mr. Weldon Bowden. Town Manager Baker responded that following the September 20, 1996 Council meeting and discussion with the Town Attorney, the matter will now go to court for enforcement of the ordinances.

Mayor Thornton asked if the easement for the new elementary school has been executed. Town Manager Baker responded a letter has been sent to the school board concerning them granting an easement to the Town. The proposed roadway matter has not been resolved as yet, which will play a part in what happens with the easement.

6. Committee Reports.

**Harbor Committee** - Councilman Smith distributed the minutes of the Harbor Committee meeting to Council. The road paving will hopefully be completed by the end of October. Water line and conduit has been installed across the roadway for future services. Councilman Taylor asked if the pavement will be marked after installation. Councilman Smith responded the roadway will not have markings. Councilman Smith stated the Harbor is functioning good in his opinion. The Committee has done a lot of work to improve Harbor operations.

**Mosquito Control** - Councilman Smith reported mosquito control operations were coming to the end of their season. The Committee will be looking at a plan to treat the gypsy moth through mosquito control operations. Councilman Howard asked for update concerning spraying for ticks. Councilman Smith stated the Committee has had good success with the areas sprayed for ticks. The spraying for ticks has been handle on a complaint basis only.

**Ordinance Committee** - Councilman Smith reported the Ordinance Committee has been working of possible adoption of certain section of Volume II of the Uniformed Statewide Building Code dealing with grounds maintenance. The Building Administrator has learned the only sections the Town could adopt without adopting the entire Volume. concern buildings. The Town is bound by the current Town ordinance in regard to grounds maintenance. Town Attorney Poulson will be reviewing this matter as it pertains to Mr. Weldon Bowden.

**Planning Commission** - Vice Mayor Jones reported the Planning Commission met on September 24, 1996, the three items voted on by the Commission will be addressed later in this meeting.

**Budget and Personnel Committee** - Councilman Tarr reported the Budget Committee met on September 12, 1996 and reviewed the State bid for a 1997 police car. The Committee reviewed the financial status of the Municipal Center. The Committee was informed of a \$600.00 donation from Mike and Linda McGee for the purchase of a police radio.

**Public Works Committee** - Councilman Tarr reported the Public Works Committee discussed a drainage request concerning the Cropper Street/Burton Avenue area. The Committee is working on possible solutions. The Committee will review the drainage priority list at their next meeting. The Committee reviewed commercial entrance permits. The Committee will discuss bulk trash collection problems at their next meeting.

7. Report from Islands District Supervisor.

Wanda Thornton, Islands District Supervisor, discussed issues which Accomack County have addressed or are currently working on.

- The Nursing Home lease has not been completed as yet. The State has found many areas which the nursing does not meet required regulations. All requirements must be brought into compliance at the taxpayers' expense. The Nursing Home Commission is diligently working on these matters and hope to complete the requirements by January 1, 1997.

- Supervisor Thornton has asked that Chincoteague be included in the Sole Source Aquifer Designation. There has been no final designations on this issue as yet.

- The judges have decided not to wait until the new schools are constructed for rehab of a school for courtrooms and offices. The judges have asked the Board of Supervisors to proceed with construction of new courthouses at a cost of \$2.5 to \$5 million. The judges have threatened to force construction action under a court order.

- The December 1996 Board of Supervisors meeting will be held on Chincoteague.

- The Board of Supervisors will be holding a public hearing on semi-annual tax billing, payment of taxes by credit card, and prorating of personal property. The Board has already adopted a 10% penalty on taxes.

- The expansion of Accomack County Airport was done under grant funds from the Federal and State government. Local tax dollars were not used in this project.

- The Board of Supervisors is continuing review of the Operations and Efficiency Audit. Many of the recommendations have been made and further action should be taken.

- Personal property tax collection for 1995 is at 97%.

- The Board of Supervisors have not taken any action as yet on the Muddy Creek Road issue except to locate boundary lines.

- Accomack County is trying to locate a hazmat vehicle for local use. The previous vehicle has completely worn out.

- Work continues to remove the landfill tipping fees for incorporated towns.

- The first meeting concerning the proposed sewage regulations should be held in November. Town Manager Baker was appointed by Accomack County to this committee.

- Supervisor Thornton has learned that VDOT lessened the State requirements of the installation of roadway on the Market Street project in Onancock.

- The Governor has appointed a commission to review state and local taxes.

- Accomack County is awaiting a reply from the Union on the adverse advertising of the Bay Bridge Tunnel.

- The Board of Supervisors was presented an update on the Peaker Plant. A copy of the update was given to the Mayor.

8. Public Participation.

**Ms. Donna Leonard** representing the Chincoteague 2000 group stated the group was formed of a group of business owners with the following goals: preserve the charm of the community, research the attitudes and opinions of visitors, local businesses and the community, and offer visitors to the island an opportunity to give feedback about their experience, rate the attractiveness of our community, and learn from their comments. The founders want to share the information they collect from surveys and believe the

information will be useful in aggressively competing with other tourist areas and in balancing the needs of visitors with community priorities. Ms. Leonard stated the three issues of high importance to the group are the need for bicycle paths, wind surfing ramp, and police department relocation.

a. Ms. Leonard presented Council a petition signed by fifty business owners on Chincoteague in support of the development of a bicycle plan. Bicycle paths are needed for the safety of both bicyclist and automobile drivers. Chincoteague 2000 thanked the Council for initiating a bicycle plan and hopes Council will pursue the plan.

b. Chincoteague 2000 feels the community is losing revenue by not offering a ramp for windsurfing and small boat launch. The group feels Chincoteague Bay offers an ideal location for this type recreational sports. In the past a proposal to use the park across from the high school was suggested, however the land belongs to the school board. The group would like suggestions on approaching the school board or other suitable locations along Chincoteague Bay.

c. Ms. Leonard stated the group is concerned with the abandonment of the current police station building upon the completion of the Municipal Complex. The group is concerned that the police department's relocation from the downtown area was not in the best interest of the Town.

Mayor Thornton asked why Ms. Leonard stated all the police would be located on Deep Hole Road. Ms. Leonard stated that because the police department office will be located on Deep Hole Road, the officers will spend more time there. The group feels it is important for the downtown area to have a visible police protection.

Councilman Smith stated no decision has been made concerning the current police station building. Councilman Smith feels the group has developed a fine survey.

Mayor Thornton stated the "Chincoteague 2000" list of members lacks the presence of local citizens which would provide a cross section of the community. Ms. Leonard stated the meetings are open to anyone who was interested in the future of Chincoteague.

9. Reconsider Request from Accomack County Schools for Above and Below Ground Fuel Storage Tanks.

The Town Council had previously tabled action on a request from the Accomack County School Board for the placement of fuel storage tanks at the new elementary school. The Town has received notification from Dr. Owings, Superintendent of Schools indicating all fuel oil storage tanks at the new site will be above ground type while all propane storage tanks will be below ground type. Approval for the placement of one 4,000 gallon oil tank and two 1,000 gallon propane tanks at the new school site is requested.

Councilman Smith moved, seconded by Councilman Howard to approve the above requested fuel storage tanks. Unanimously approved.

Town Manager Baker stated the Chincoteague Recreation & Convention Center Authority has requested approval for placement of a 1,000 gallon under ground propane storage tank at the community center.

Councilman Taylor moved, seconded by Councilman Tarr to grant the CRCC Authority's request. Unanimously approved.

10. Consider Designation of Voting Delegates for VML Conference.

The Town is required to designate a voting delegate and an alternate in order to participate in the business meeting at the Virginia Municipal League Conference. Vice Mayor Jones, Councilman Tarr, Town Manager Baker, and possibly Councilman Smith are planning to attend the conference.

Mayor Thornton asked Vice Mayor Jones to be the delegate and Councilman Tarr to be the alternate. Council agreed.

11. Reconsider Street Name Request.

The Town has received another suggested for the street to the Whealton property off Willow Street of "John Sidney Parkway". The 911 Street Name Committee has reviewed this request and finds no conflict with the requested name.

Councilman Taylor moved, seconded by Councilman Howard to grant the street name request. Unanimously approved.

12. Reconsider Request from Chincoteague Recreation & Convention Center Authority for an Assignment of Funds.

Council tabled action on this request pending response from Farmers & Merchants Bank on behalf of the Authority and from Town Attorney Poulson on behalf of the Town on proposed terminology for the Town to assign a portion of annually appropriated funds to the Authority by the Town. Town Manager Baker read the current wording from Town Attorney Poulson for Council's consideration as a means of assisting the Authority in securing their bank loan.

The following provisions will be in a letter from the Town addressed to the Lender:

"The Town of Chincoteague (hereinafter "Town"), agrees that during such period of time that a bond in the principal amount of \$\_\_\_\_\_, plus interest, executed by the Chincoteague Recreation and Convention Center Authority (hereinafter "Authority"), and payable to Farmers & Merchants Bank - Eastern Shore, (hereinafter "Bank"), is outstanding and unpaid, it will honor any assignment by the Authority in favor of said Bank, to pay over to such Bank, on behalf of the Authority, such moneys that it may, from time to time, otherwise appropriate and pay over to the Authority under *Chapter 6, Article IV, Transient Occupancy Tax of the Code of the Town of Chincoteague* or otherwise, to be applied to such indebtedness, upon the written certification of the Authority, from time to time, that it does not have sufficient funds on hand to pay such indebtedness as may be due and payable to said Bank."

"It is expressly understood by Town, Authority, and Bank, that the obligation of Town to honor such assignment shall not, in any way, (1) constitute a guaranty of such indebtedness by the Town, and/or constitutes the Town as a surety or endorser of said bond; and/or (2) obligate the Town to make any appropriation to the Authority and/or Bank on behalf of the Authority, of Town funds, or to maintain in force and effect the present, or any future, provisions of *Chapter 6, Article IV, Transient Occupancy Tax of the Code of the Town of Chincoteague*."

"The acceptance of any such assignment by the Town shall incorporate the terms and provisions of this letter."

Town Attorney Poulson stated he has spoken to Mr. H.B. Rew and explained the position of the Town concerning the Authority's loan. Town Attorney explained to Mr. Rew that the Town will not guaranty the loan however is willing to pay over to the bank the money due the Authority from the transient occupancy tax if the Authority can not make their loan payment. Mr. Rew indicated to Mr. Poulson that the Town appears to be healthy and he is relying on the good faith of the Town. Mr. Poulson further stated the Town is under no obligation to leave the ordinance in affect which appropriates these funds.

Councilman Smith moved, seconded by Councilman Taylor to accept Town Attorney Poulson's terminology for the Town's position on the Authority's loan providing the bank accepts the Town's position. Unanimously approved.

13. Reconsider Proposed Operating Procedure for Council.

Councilman Dill asked that this item be tabled until the recessed meeting on October 17, 1996. Council agreed.

14. Consider Authorization of Overtime to Conduct Deer Task Force Survey.

Town Manager Baker and Councilman Taylor explained the Deer Task Force in cooperation with the Department of Game and Inland Fisheries have developed a survey of questions. The Deer Task Force

wish to use the survey to randomly question residents on deer. The questions are very general. The Deer Task Force would like to use Town employees to conduct the survey by telephone. The telephone numbers will be selected at random. The telephone numbers and surveys will be provided by the Department of Game and Inland Fisheries. Approximately 85 completed survey is needed. The survey will be conducted from the Town Office from 6 p.m. to 9 p.m. on two consecutive nights. If the target of 85 is not reached during the first two nights, it may be necessary to conduct the survey again the following week to obtain the target number. Council approval of the expenditure of approximately \$500 in overtime is requested.

Councilman Smith suggested that a public hearing be held prior to any final plan adoption by the Town.

Councilman Tarr moved, seconded by Councilman Dill to authorize approximately \$500 in overtime to conduct a random telephone survey. Unanimously approved.

15. Consider Process for Establishment of No Wake Zones.

The Town has received information from the Department of Game and Inland Fisheries on the establishment and maintenance of "No Wake" zones in waterways around the island. The information describes a detailed process for the establishment of such zones, however there is no requirement for any law enforcement agency to enforce the zones. The information stated that every law enforcement officer of the state and its subdivisions may enforce the proper observance by watercraft operators of any marker properly installed.

Councilman Smith thanked Mr. Scherer for again attending the meeting with concern in this matter. Councilman Smith is concerned if Council enacts such zones, there will not be any way to enforce them. Therefore, the Town will have another law on the books, without enforcement.

Councilman Tarr stated Council needs to know the areas which needs to be designated as "no wake" zones.

Councilman Howard suggested this matter be advertised for public input at the November meeting. Mayor Thornton and Council agreed.

16. Consider Attending the Delmarva Water Transport Committee General Membership Meeting.

The Delmarva Water Transport Committee will hold a General Membership meeting on Friday, October 18, 1996 at 11:30 a.m. in Secretary, Maryland. Mayor Thornton is planning to attend this meeting. If other members of Council plan to attend, please contact the Town Manager.

17. Consider Reappointment of Mr. Jim Frese to the Building Code Board of Appeals.

Mr. James Frese's appointment to the Town's Building Code Board of Appeals will expire on October 10, 1996. Mr. Frese has been contacted and is agreeable to reappointment.

Councilman Taylor moved, seconded by Vice Mayor Jones to reappointment Mr. James Frese to the Building Code Board of Appeals for a term expiring December 31, 2001. Unanimously approved.

18. Consider Purchase of 1997 Police Car.

The Budget Committee recommends the purchase of a 1997 police car; Ford Crown Victoria from the State Contractor, Sheehy Ford, in the amount of \$19,500.00

Vice Mayor Jones moved, seconded by Councilman Dill to approve the purchase of the police car in the amount of \$19,500.00. Unanimously approved.

19. Consider Holding a Joint Public Hearing with the Planning Commission on Proposed Zoning Amendments.

The Planning Commission has requested Council consider holding a joint public hearing with them on proposed zoning ordinance amendments. Mayor Thornton asked that the Joint Public Hearing be scheduled for November 4, 1996 if agreeable with the Planning Commission.

20. Draft Environmental Assessment for Lewis Creek Dredging.

Town Manager Baker stated the Town has received a draft Environmental Assessment for the Lewis Creek Dredging Project. The document states that the most feasible site for the dredge material disposal is the overboard site used in previous dredging projects. The document requests comments from the Town. Council decided to support the draft document and wishes to proceed with this project.

21. Live Broadcast of Town Council Meetings.

Councilman Smith stated he has talked with Falcon Cable concerning the live broadcast of the Town Council's meetings. Council asked if the meeting would be taped for later broadcasts or only presented live. Councilman Smith stated Mr. Jack Edwards is reviewing the matter in regards to equipment and costs. Councilman Smith hopes to have a full report for Council at the next meeting.

22. Report from Virginia State Fair.

Councilman Dill reported he attended the State Fair representing the business community of Chincoteague. Councilman Dill stated many Virginia Town's were present promoting their communities. Councilman Dill is doing some preliminary work on the development of a Town flag and feels the Town needs to develop a brochure outlining the good things happening in our Town.

Mayor Thornton stated the Town was well received at the Harvest Festival. Mayor Thornton agreed the Town must strive to promote the Town at next year Harvest Festival and State Fair.

23. Designation of "Chincoteague Island" as the Postmark.

Councilman Smith expressed his feeling that the public should be given the opportunity to express their views on changing the address from Chincoteague to Chincoteague Island. Town Manager Baker stated the Resolution has been delivered to the Postmaster and all the new Town stationery which has just been delivered say Chincoteague Island. Councilman Smith stated this matter was approached in 1985 with Council voting to make the change, but the matter was never followed up on. Council asked that this matter be followed up with the Postmaster.

24. Cable Television Franchise.

Councilman Tarr requested Council consider a consultant to provide advise to Council on the upcoming cable television franchise.

Councilman Tarr moved, seconded by Councilman Taylor for the Town Manager to obtain prices for consulting services in regard to upcoming cable television franchise. Unanimously approved.

24. Meeting Recessed.

Councilman Howard moved, seconded by Councilman Dill to recess the meeting until October 17, 1996 at 7:30 p.m. Unanimously approved.

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Mayor

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Town Manager

MINUTES OF THE OCTOBER 17, 1996  
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present

Harry S. Thornton, Mayor  
Royce L. Jones, Vice Mayor  
W. Graham Dill, III, Councilman  
Terry Howard, Councilman  
H. Austin Smith, Councilman  
John H. Tarr, Councilman



John R. Taylor, Jr., Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m. The October 7, 1996 regular meeting was recessed until this time.

2. Invocation.

Councilman Taylor offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Public Officials Report.

Mr. John Schroer, U.S. Fish and Wildlife, explained the Refuge's position on the work being performed by the Deer Control Task Force. Mr. Schroer feels the Task Force is doing an outstanding job. He feels their approach of getting input from regulatory agencies, and the general public as well as researching the various alternatives available is to be commended. The Refuge is allowed to open for deer hunting with the sika deer hunting program being extensive. At the current time the Refuge's program does not include white tail deer hunting. The U.S. Fish and Wildlife is required to submit the Refuge's plan each year and will continue to include in the plan that any deer hunting program for Wildcat Marsh will be at the request of the Town. The Refuge will mesh any plan the Town may approve with their program. Mr. Schroer explained that at the present time the hunt program includes the removal of sika deer which allows more habitat for the white tail deer. The theory that the deer on Chincoteague is coming from Assateague may not be true. While some of the deer are going from Assateague to Chincoteague, the deer are also going from Chincoteague to Assateague. The program may change to require less reduction of the sika deer and more of the white tail, but the total number of animals may not change.

Mayor Thornton asked if the Town asked the Fish and Wildlife to have a white tail deer hunt in Wildcat Marsh would they agree. Mr. Schroer stated he is of the opinion his program allows him to do that or any acceptable program upon the request of the Town Council.

Councilman Taylor thanked Mr. Schroer for addressing Council in this regard and for his work with the Deer Control Task Force.

Councilman Tarr asked if the task force did not have a program in place for this deer hunting season could the Town Council ask for a white tail deer hunt in Wildcat Marsh. Mr. Schroer replied yes. However, the number of white tail deer which might be taken in a hunt of Wildcat Marsh would do little to help the over population of deer on Chincoteague.

Mayor Thornton informed Council that he has received a request from Mr. Glen Askins of the Game Commission to have all official statements or press releases come from his office rather than from the Town or the Task Force.

5. Reconsider Proposed Operating Procedure for Council.

Councilman Dill stated the Town Attorney has rewritten the policy and is now ready for consideration by Council. The proposed policy is "As a matter of policy, when a request for the expenditure of public funds is presented to Council, either from a member of Council, the Mayor, a member of public, or any entity, whether public or private, and such request has not been specifically enumerated in advance on the written agenda of the then Council Session so as to give advance notice thereof, such request will not be acted upon by the Council until the next session of Council, unless Council affirmatively finds that an emergency exists and delay would be unnecessarily detrimental to the Town and/or the recipient of such expenditure."

Councilman Dill moved, seconded by Councilman Howard to adopt the policy as presented. Voting for: Councilman Dill and Councilman Howard. Voting against: Vice Mayor Jones, Councilman Taylor, Councilman Smith, and Councilman Tarr. Motion is defeated.

6. Consider Town's Position on Fire Company's Request to the Board of Zoning Appeals to Fence the Carnival Grounds.

Mayor Thornton stated he is not happy with the manner in which the Fire Company's requests was made. Mayor Thornton feels the request should have come from the President and at least on Fire Company stationery. Councilman Smith agreed with Mayor Thornton.

Mayor Thornton asked Town Manager Baker to return the request to the Fire Company asking that the request come from an officer of the Company and on Fire Company stationery and a sketch of the proposal be provided. Mayor Thornton further asked that a copy of the corrected request be provided to each member of Council for consideration at the November 4, 1996 meeting.

There were no objections from Council.

7. Consider Personnel Committee's Recommendation to Amend the Personnel Policy.

Councilman Tarr explained the Personnel Committee recommends the re-establishment of a bereavement leave for employees of up to three days for immediate family members. The bereavement leave which was once in the policy was removed by a previous Council approximately four years ago.

Vice Mayor Jones moved, seconded by Councilman Howard to adopt the bereavement leave policy as presented. Unanimously approved.

311 Bereavement Leave

An employee may be granted to take time off due to the death of an immediate family member. The employee should notify his or her supervisor immediately.

Up to three days of paid bereavement leave will be provided to eligible employees in the following classifications at the discretion of the Department Head:

Regular full-time employees

Regular part-time employees

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation.

Approval of bereavement leave will occur in the absence of unusual operating requirements. Any employee may, with the supervisor's approval, use any available paid leave for additional time off as necessary.

The Town of Chincoteague defines "immediate family" as the employee's spouse, children, grandchildren, parents, grandparents, siblings, and/or any other relation by blood or marriage who is and has resided in the employee's household for a minimum of three months.

8. Consider Draft Agreement with McLean Construction for Use of Town Property.

Town Manager Baker stated McLean Construction has requested use of the lower portion of the Town's spoil site for the placement of concrete bridge sections and pilings from the Rt. 175 bridge construction project. The material will be off loaded from a barge by a crane into the site. The steel must be removed from the concrete. The concrete must be crushed to a size of no larger than approximately 4" in diameter.

Councilman Tarr moved, seconded by Councilman Taylor to approve the draft agreement with McLean Construction contingent upon review of the Town Attorney. Unanimously approved.

GENERAL AGREEMENT

THIS AGREEMENT, made this \_\_\_ day of November, 1996, by and between the Town of Chincoteague, Inc. (First Party) and McLean Construction Company (Second Party).

WITNESSETH that in consideration of the mutual covenants and agreements to be kept and performed on the part of said parties hereto, respectively as herein stated, the said party of the first part does hereby covenant and agree that it shall:

- I. A. Authorize McLean to use the southern most cell of the Curtis Merritt Harbor of Refuge Spoil Area as a site for the placement of concrete bridge sections and pilings by crane from a barge on the "Canal" side of the cell from the Rt. 175 bridge construction project; and
- B. Permit McLean to use this site for the removal of all steel components such as structural steel members, re-bar and all other steel that may be embedded in the bridge sections or piling placed at the site, and
- C. Permit McLean to crush the concrete and stock pile same at the site after removal of all steel components, and
- D. Permit McLean to stock pile the steel removed from the above operation.
- II. And said party of the second part covenants and agrees that it shall:
- A. Hold the Town harmless from any claim for damages, no matter how caused, and Town shall not be liable for any damage or injury to McLean, or any other person, or to any property, occurring on the demised premises or any part thereof, and
- B. Repair and/or replace any damage that may occur to Town property as a result of this operation as directed by the Town, and
- C. Crush all concrete following the removal of all steel components to a size no larger than four (4) inches in diameter and to stock pile the crushed concrete in a neat manner while at the site, and
- D. Remove all demolition debris from Town property, including all crushed concrete which shall be placed by McLean on Chincoteague Island at a designated location to be determined by the Town, prior to completion of the project, and
- E. Maintain public liability insurance including bodily injury and property damage insuring self and Town and to provide the Town with a Certificate of Insurance naming the Town as an additional insured, and
- F. Conduct a topographic survey of the northern most cell of the spoil area and determine the remaining capacity for the disposal by hydraulic dredging operations that are scheduled to occur in March, 1997, and
- G. Fill the existing opening in the interior berm, under the direction and control of the Town, that separates the northern most cell from the southern most cell so the northern most cell can be used for the upcoming dredging of the Harbor, and
- H. Relocate, if necessary, the interior berm to accommodate the required capacity for the upcoming dredging if that determined by F, above is less than that needed for the dredging at the direction and control of the Town, and
- I. Adhere to all local, state and federal rules, regulations, laws and ordinances during the term of this agreement, and
- J. All necessary permits are to be obtained by the Town.

This agreement shall be binding upon the parties, their successors, assigns and personal representatives. Time is of the essence on all undertakings. This agreement shall be enforced under the laws of the Commonwealth of Virginia. This is the entire agreement and may be modified only by a writing signed by both parties.

Signed the day and year first above written.

Signed in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Harry S. Thornton, Mayor  
Town of Chincoteague, Inc.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Richard Hoffmann, President  
McLean Construction Company

9. East Side Boat Ramp.

The Town has received a request from Mr. Mike McGee to stockpile oyster shells on the East Side Boat Ramp property in exchange for an undetermined number of bushels of oyster shells.

Councilman Taylor moved, seconded by Councilman Dill to approve the stockpiling of oyster shells on the property as outlined above from October 17, 1996 until June 15, 1997. Unanimously approved.

10. Public Participation.

-Mr. Josh Merritt asked if there is a plan to address the erosion on Assateague. Mr. Merritt expressed concern that erosion may cause access to Assateague to be cut off. The Federal Government is spending money on the Maryland side of Assateague and in other beach areas for beach replenishment, but not on the Virginia side of Assateague. Mr. Merritt further commented we need to do something now before it is too late.

Councilman Tarr stated there is a beach committee that works with the Fish and Wildlife Service and the Park Service is address issues from both sides. The parking of vehicles on Assateague is a high priority for the members of the committee.

Councilman Smith commented he does not understand why when federal government officials speak to the Town they say mother nature will take care of the problem, but the same federal government is spending 35 million on the north end of Assateague.

Council discussed the matter at length.

11. Adjournment.

Councilman Taylor moved, seconded by Councilman Howard to adjourn the meeting at 8:30 p.m. Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE NOVEMBER 4, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING**

Council Members Present

Harry S. Thornton, Mayor

Royce L. Jones, Vice Mayor

W. Graham Dill, Councilman

Terry Howard, Councilman

H. Austin Smith, Councilman

John H. Tarr, Councilman

John R. Taylor, Jr., Councilman

1. Call to Order.

Mayor Thornton called the meeting to order at 7:30 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Thornton led in the Pledge of Allegiance.

4. Minutes of the October 7 and 17, 1996 Meetings.

Councilman Taylor moved, seconded by Vice Mayor Jones to approve the minutes of the October 7 and 17, 1996 meetings as presented. Unanimously approved.

5. Council Information Items.

Mayor Thornton asked if any response has been received from the U. S. Fish & Wildlife on the Town's appeal of revenue sharing. Town Manager Baker stated the Town has received a letter requesting additional information.

Councilman Howard asked the status of the letter to Farmers & Merchants Bank in regard to the CRCC Authority's loan. Town Manager Baker responded there have been some additional changes and the matter is in the hands of the Authority.

Councilman Smith asked the status of the Weldon Bowden matter. Town Attorney Poulson stated he will be meeting with the Town Manager and Building/Zoning Administrator after the 15th of November.

6. Committee Reports.

**Curtis Merritt Harbor of Refuge** - Councilman Smith stated the Harbor is operating as normal. The road has not been paved as yet.

**Mosquito Control** - Councilman Smith presented the following report to Council.

**MOSQUITO CONTROL REPORT FOR 1996**

|              | MOSQUITO<br>CALLS |          | AERIAL<br>FLIGHTS |          | BARRIER<br>SPRAYING |  | TRUCK<br>FOGGING |          | LARV | TICK<br>SPRAY | TICK<br>CALLS |
|--------------|-------------------|----------|-------------------|----------|---------------------|--|------------------|----------|------|---------------|---------------|
| MAY          | 0                 |          | 0                 |          | 1                   |  | 5                | 8        | 8    | 0             |               |
| JUNE         | 0                 | 1        |                   | 1        | 14                  |  | 12               | 21       |      | 0             |               |
| JULY         | 22                | 3        |                   | 2        | 18                  |  | 19               | 9        |      | 10            |               |
| AUGUST       | 20                | 2        |                   | 0        | 16                  |  | 12               | 6        |      | 6             |               |
| SEPT         | 12                | 2        |                   | 1        | 5                   |  | 0                | 0        |      | 0             |               |
| OCTOBER      | <u>0</u>          | <u>0</u> |                   | <u>1</u> | <u>1</u>            |  | <u>1</u>         | <u>1</u> |      | <u>1</u>      |               |
| <b>TOTAL</b> | 54                | 8        |                   | 6        | 59                  |  | 52               | 45       |      | 17            |               |

**1996 Mosquito Control Landing Count**

**Summary**

|      | Wild Oyster High Pine |            |            |            | Maddox Piney Carnival Mem Inlet |            |            |                       |
|------|-----------------------|------------|------------|------------|---------------------------------|------------|------------|-----------------------|
|      | cat                   | Bay        | Sch        | Grov       | Isl                             | Park       | View       |                       |
| June | 5.3                   | 4.3        | 4.1        | 4.2        | 6.2                             | 5.1        | 2.1        | 6.6 1.9               |
| July | 12.3                  | 10         | 9.8        | 7.9        | 11.9                            | 9          | 3.8        | 11.5 5.7              |
| Aug  | 8.1                   | 7.7        | 7.4        | 5          | 8.7                             | 8.7        | 2.1        | 6.5 1.7               |
| Sept | <u>6.9</u>            | <u>6.8</u> | <u>6.5</u> | <u>5.1</u> | <u>7.6</u>                      | <u>6.1</u> | <u>2.3</u> | <u>4.9</u> <u>5.2</u> |
|      | 8.15                  | 7.2        | 6.95       | 5.55       | 8.6                             | 7.225      | 2.575      | 7.375 3.62            |

The Mosquito Control Program had a very successful year. In the past we had a very expensive year round budget. Since the Council took over the operation, we have established a very successful part time program.

In doing this we have been able to:

1. Reduce overall wages, by utilizing Town employees thereby not requiring money to be spent on additional benefits.
2. Utilize the Town employees that work for Mosquito Control in a manner that permits the program to function efficiently, while at the same time allowing our employees to earn additional money.
3. Operate the program on an 8 month cycle, thus allowing Travis Marshall to work with the Public Works Department the other 4 months at no cost to the Department.

In the coming year we are planning to:

1. Establish a way to combat the Gypsy Moths and the Tent Worms that gave the community problems this past year.
2. To purchase a new and improved LECO machine for truck spraying.
3. To install a fence around the chemical storage area in the new public works building.
4. To have another town employee become a certified applicator, and possibly two others to become registered.

**Budget/Personnel** - Councilman Tarr stated the Committee reviewed the cost to provide information under the Freedom of Information Act. The Committee recommended using the hourly rate plus cost of materials.

**Public Works** - Councilman Tarr stated the Committee met with Mr. Jay Crofton concerning completion of the waterline project. The Committee also reviewed the status of drainage projects and prioritized some projects. The south Main Street box culvert project will proceed in the near future. A list of materials has been turned over to the County for ordering. The Committee discussed the need for a performance bond for work within the right-of-ways by others.

**Deer Task Force** - Councilman Taylor announced the Deer Task Force will be meeting on November 12, 1996 at 7:30 p.m. to discuss the results of the telephone survey.

7. Public Participation.

**Mr. Fred Tolbert** - stated the elementary school construction contract was signed and the ground breaking will be held at 2 p.m. on November 11, 1996 at the construction site.

**Mr. Myrna Hubert** - stated something needs to be done with the Weldon Bowden property on south Main Street.

**Mr. Roe Terry** - discussed the false report of \$5,000 budgeted for a boat ramp and wind surfing on the school property. Mr. Terry feels a correction needs to be made by the newspaper to clarify this matter.

Mr. Terry also suggested that trash be placed in receptacles, not just placed by the roadside in bags. Litter violations should be strongly enforced by the Police Department.

8. Public Hearing on Suggested Establishment of “No Wake” Zones.

Mayor Thornton called the Public Hearing to order at 8 p.m.

Mr. Rick Scherer stated the people this matter concerns were unable to attend due to their work schedule. Mr. Scherer asked Council to consider postponing this hearing until January. The only area these people are concerned with is the unloading docks, which is a small area. This is very important when the damage affects your livelihood.

Mayor Thornton stated the “No Wake” zone matter will be postponed until the January recessed meeting with notice being made again.

Councilman Dill asked what areas need to be designated “No Wake” zones. Mr. Fred Tolbert stated the only affected areas is the point of Black Narrows through Lewis Creek where you have the commercial operations. Councilman Dill requested, in January at the hearing for the “No Wake” zone, supporters to specify the areas that need this zone designation.

Mr. Scherer stated his interest is from the draw bridge to R&R Boat Rentals. He asked that signs be posted which would at least notify the people.

Councilman Smith added it makes no sense to post areas if it can’t be enforced.

Mr. Scherer added that a sign alone will probably help.

Mr. Fred Tolbert - agreed that most boaters will honor a “No Wake” area if posted, should the signs be considered.

Mr. Roe Terry - expressed concern with the definition of a “No Wake” area, and how it applies to every situation as to speed.

Mayor Thornton continued the Public Hearing until January 16, 1996.

9. Consider Town’s Position on Fire Company’s Request to Board of Zoning Appeals to Fence Carnival Grounds.

The Town has received a request to either approve or disapprove proposed action by the Chincoteague Volunteer Fire Company to fence the Carnival Grounds. The CVFC has applied to the Board of Zoning Appeals to perform such work. The Town, as property

owner, should voice their approval or disapproval to the Board prior to their hearing on this matter.

Councilman Taylor moved, seconded by Councilman Dill to approve as property owner the CVFC's request to the Board of Zoning Appeals to fence the Carnival Grounds. Unanimously approved.

10. Other Old Business.

-Councilman Howard stated that Mrs. Lillian Andrews will be 90 years old on November 7 and feels the Council should present her a Certificate of Recognition honoring her at this point in her life. Mrs. Andrews will be recognized by the Church of God on November 10. Council agreed.

-Councilman Smith stated the Mr. Jack Edwards has resigned from Falcon Cable which has delayed information concerning video taping of Council meetings.

11. Consider Public Works Committee Recommendations to Require a Performance Bond on all Land Use Permits and to Increase Permit Fees.

The Public Works Committee recommends Council institute a requirement that all land use permits issued to use the public right-of-ways for specific purposes be required to secure and provide the Town a Performance Bond in an amount sufficient to cover the cost of the proposed installation. The purpose of this bond is to provide a vehicle in which the Town can correct and/or complete said installation should the permittee fail to follow the permit requirements.

In addition, Mr. West indicated to the Committee that the current fee structure is inadequate to cover the actual cost of issuing the permits and for the required inspection time during such installations. Mr. West was directed to determine an average cost to cover such permits. At this time, Mr. West has determined that an average cost to cover such permits including required drawings and inspections is \$200.

Mayor Thornton sent these recommendations back to the Public Works Committee for further review and a specific proposal. The Committee should report again at the recessed meeting.

12. Consider Request for Placement of Above Ground Fuel Storage Tanks.

In accordance with Town Ordinances, the Town of Chincoteague requests permission to install two above ground fuel storage tanks of 2,000 gallons and 4,000 gallons at the new Municipal Center. These tanks will be used for the storage of heating fuel, gasoline and diesel fuel.

Councilman Taylor moved, seconded by Councilman Smith to approve the request. Unanimously approved.

13. Notification of Cancellation of Retirees Medicare Coverage.



The Town received notice on October 28, 1996, that effective January 1, 1997, Medicare Coverage would no longer be available to our group. It has been explained to the Town that this was a business decision based upon little or no profit being made by the carrier. However, the Town has made initial contact with the State Local Choice Program which is provided by Trigon Blue Cross Blue Shield and will obtain current coverage premium information soon. The Town will continue to explore all other possibilities for filing this void and will report to Council as options develop.

14. Joint Public Hearing on Proposed Zoning Ordinance Amendments.

Mayor Thornton called the Public Hearing to Order at 8:30 p.m. The following proposed amendments to the Zoning Ordinance were discussed:

SECTION 11.1.1 OF THE TOWN OF CHINCOTEAGUE'S ZONING ORDINANCE STATES:

11.1.1 GENERAL:

THERE IS A STANDARD FEE OF \$75.00 TO FILE AN APPEAL WITH THE BOARD OF ZONING APPEALS.

THE PROPOSED CHANGE SHALL READ:

11.1.1 GENERAL:

**THERE IS A STANDARD FEE OF \$100.00 TO FILE AN APPEAL WITH THE BOARD OF ZONING APPEALS.**

SECTION 7.3. OF THE TOWN OF CHINCOTEAGUE'S ZONING ORDINANCE STATES:

THE FOLLOWING TEMPORARY SIGNS SHALL BE PERMITTED AS A MATTER OF RIGHT AND NO SIGN PERMIT REQUIRED, SUBJECT TO THE CONDITIONS SPECIFIED, AND THE OTHER PROVISIONS OF ARTICLE VII, AS APPLICABLE. (AMENDED 4/3/95).

**ADD NEW SECTION 7.3.0 BEFORE THE ABOVE PARAGRAPH TO READ:**

**7.3.0 BANNERS: ON PREMISE BANNERS SHALL NOT BE MORE THAN 3 FOOT IN HEIGHT, 10 FOOT IN LENGTH AND SHALL NOT EXCEED 30 SQUARE FOOT IN AREA. TOTAL BANNERS SHALL NOT EXCEED ONE PER RESIDENCE AND TWO PER BUSINESS. PLACEMENT OF SUCH BANNERS MUST COMPLY WITH ARTICLE VII OF THIS ORDINANCE. BANNERS SHALL NOT BE PLACED CLOSER THAN 10 FEET FROM ANY PROPERTY LINE . A PERMIT IS REQUIRED.**

CHANGE SECTION 11.1.4.C: NO FEE SHALL BE REQUIRED FOR A SIGN UNDER 16 SQ. FEET. A ZONING PERMIT SHALL BE REQUIRED.

TO READ:

**SECTION 11.1.4.C: NO FEE SHALL BE REQUIRED FOR A SIGN UNDER 16 SQ. FEET. NO FEE SHALL BE REQUIRED FOR THE PLACEMENT OF BANNERS. A PERMIT SHALL BE REQUIRED.**

SECTION 3.1.5.3 OF THE TOWN OF CHINCOTEAGUE'S ZONING ORDINANCE STATES:

**3.1.5.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF THE SEWERAGE DISPOSAL SYSTEM. THE CONTAINMENT FENCE SHALL NOT EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. (AMENDED 8/1/94)

THE PROPOSED CHANGE SHALL READ:

**3.1.5.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF **THAT TO BE ENCLOSED**. THE CONTAINMENT FENCE SHALL NOT EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. **SUCH CONTAINMENT FENCES SHALL NOT BE PLACED CLOSER THAN 5 FOOT FROM ANY SIDE OR REAR LOT LINE AND SHALL NOT BE PLACED CLOSER THAN TO PROHIBIT A 200 FOOT VISUAL SITE VIEW FROM THE ENTRANCE/EXIT.** (AMENDED 8/1/94 & 9/24/96)

**3.4.7.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE FUEL STORAGE TANKS, DUMPSTERS AND ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF THE SEWERAGE DISPOSAL SYSTEM. THE CONTAINMENT FENCE SHALL NOT EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. (AMENDED 8/1/94)

THE PROPOSED CHANGE SHALL READ:

**3.4.7.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF **THAT TO BE ENCLOSED**. THE CONTAINMENT FENCE SHALL NOT EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. **SUCH CONTAINMENT FENCES SHALL NOT BE PLACED CLOSER THAN 5 FOOT FROM ANY SIDE OR REAR LOT LINE AND SHALL NOT BE PLACED CLOSER THAN TO PROHIBIT A 200 FOOT VISUAL SITE VIEW FROM THE ENTRANCE/EXIT.** (AMENDED 8/1/94 & 9/24/96)

**3.7.16.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF THE SEWERAGE DISPOSAL SYSTEM. THE CONTAINMENT FENCE SHALL NOT EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. (AMENDED 8/1/94)

THE PROPOSED CHANGE SHALL READ:

**3.7.16.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF **THAT TO BE ENCLOSED**. THE CONTAINMENT FENCE SHALL NOT EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. **SUCH CONTAINMENT FENCES SHALL NOT BE PLACED CLOSER THAN 5 FOOT FROM ANY SIDE OR REAR LOT LINE AND SHALL NOT BE PLACED CLOSER THAN TO PROHIBIT A 200 FOOT VISUAL SITE VIEW FROM THE ENTRANCE/EXIT.** (AMENDED 8/1/94 & 9/24/96)

**3.10.21.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF THE SEWERAGE DISPOSAL SYSTEM. THE CONTAINMENT FENCE SHALL NOT EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. (AMENDED 8/1/94)

THE PROPOSED CHANGE SHALL READ:

**3.10.21.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF **THAT TO BE ENCLOSED**. THE CONTAINMENT FENCE SHALL NOT EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. **SUCH CONTAINMENT FENCES SHALL NOT BE PLACED CLOSER THAN 5 FOOT FROM ANY SIDE OR REAR LOT LINE AND SHALL NOT BE PLACED CLOSER THAN TO PROHIBIT A 200 FOOT VISUAL SITE VIEW FROM THE ENTRANCE/EXIT.** (AMENDED 8/1/94 & 9/24/96)

**4.1.26.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE FUEL STORAGE TANKS, DUMPSTERS AND ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF THE SEWERAGE DISPOSAL SYSTEM. THE CONTAINMENT FENCE SHALL NOT EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. (AMENDED 8/1/94)

THE PROPOSED CHANGE SHALL READ:

**4.1.26.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE FUEL STORAGE TANKS, DUMPSTERS AND ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF **THAT TO BE ENCLOSED**. THE CONTAINMENT FENCE SHALL NOT EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. **SUCH CONTAINMENT FENCES SHALL NOT BE PLACED CLOSER THAN 5 FOOT FROM ANY SIDE OR REAR LOT LINE AND SHALL NOT BE PLACED CLOSER THAN TO PROHIBIT A 200 FOOT VISUAL SITE VIEW FROM THE ENTRANCE/EXIT.** (AMENDED 8/1/94 & 9/24/96)

**4.4.38.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE FUEL STORAGE TANKS, DUMPSTERS AND ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF THE SEWERAGE DISPOSAL SYSTEM. THE CONTAINMENT FENCE SHALL NOT

EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. (AMENDED 8/1/94)

THE PROPOSED CHANGE SHALL READ:

**4.4.38.3 FENCES:**

CONTAINMENT FENCES OF SOLID CONSTRUCTION MAY BE ERECTED TO ENCLOSE FUEL STORAGE TANKS, DUMPSTERS AND ABOVE GROUND SEWERAGE DISPOSAL SYSTEMS. SUCH CONTAINMENT FENCES SHALL NOT EXTEND MORE THAN 3 FEET BEYOND THE PERIMETER OF **THAT TO BE ENCLOSED**. THE CONTAINMENT FENCE SHALL NOT EXTEND MORE THAN ONE (1) FOOT ABOVE THAT TO BE ENCLOSED AND SHALL NOT EXCEED A MAXIMUM HEIGHT OF EIGHT (8) FEET. **SUCH CONTAINMENT FENCES SHALL NOT BE PLACED CLOSER THAN 5 FOOT FROM ANY SIDE OR REAR LOT LINE AND SHALL NOT BE PLACED CLOSER THAN TO PROHIBIT A 200 FOOT VISUAL SITE VIEW FROM THE ENTRANCE/EXIT.** (AMENDED 8/1/94 & 9/24/96)

CREATE A NEW SECTION TO THE TOWN OF CHINCOTEAGUE'S ZONING ORDINANCE:

ADD NEW DEFINITION:

**SECTION: 2.46.B DECORATIVE ENTRANCE:**

ANY STRUCTURE IDENTIFYING THE ENTRANCE OF A PROPERTY. SUCH STRUCTURE SHALL NOT EXCEED 4 FEET IN HEIGHT, SHALL NOT EXCEED 15 FEET IN ONE DIRECTION AND SHALL NOT EXCEED 30 FEET IN TOTAL LENGTH. SUCH PLACEMENT SHALL NOT PROHIBIT A 200 FOOT VISUAL SITE VIEW FROM THE ENTRANCE LOCATION ON THE PROPERTY.

Councilman Smith asked if there had been any discussion at the last Planning Commission meeting about the entrance fence changing from 15 feet to 30 feet.

Mr. Mike Tolbert responded that having a street set-back would be easier to enforce.

Councilman Smith asked why there was a change in the containment fences.

Mr. Mike Tolbert answered this would be easier to enforce.

Ms. Donna Risky asked if her existing banners are grandfathered.

Councilman Jones has a problem with the 15 feet setback off the front line for containment fences. He also feels this should be tied to a line of sight for the entrance use.

Mr. Frese responded that the setback requirement was proposed for reasons of safety.

The Planning Commission recommended the Council adopt the proposed amendments as presented. Unanimously approved by the Planning Commission.

Councilman Tarr and Councilman Smith both feel that the banner definition should be straight 30 sq. ft. without any length or width requirement, but should adopt the rest as presented and to issue banner permits for a 1 year limit.

Councilman Jones moved, seconded by Councilman Howard to send the amendments back to the Planning Commission. Voting for: Vice Mayor Jones, Councilman Howard, and Councilman Taylor. Voting against: Councilman Smith, Councilman Tarr, and Councilman Dill. Mayor Thornton voted against the motion, therefore the motion was defeated.

Councilman Tarr moved, seconded by Councilman Howard to accept the Planning Commission's recommendations, with the addition to change the banners from 3 feet in height and 10 feet in length to 30 square feet, and to have one seasonal permit for once a year. Voting for: Councilman Tarr, Councilman Smith, Councilman Dill, Councilman Taylor. Voting against: Vice Mayor Jones and Councilman Howard. Motion carried.

Councilman Taylor asked the status of changing the Chincoteague Island postmark. Nothing further at this time on anything definite from the Post Office.

#### 15. Executive Session.

Councilman Tarr moved, seconded by Councilman Howard to go into Executive Session under Section 2.1-344 of the Virginia Code to discuss and consider the condition or acquisition of real property for public purpose; unanimously approved.

Councilman Howard moved, seconded by Councilman Taylor to reconvene in Regular Session; unanimously approved.

Councilman Howard moved, seconded by Councilman Dill to adopt a resolution of certification of the Executive Session;

WHEREAS, the Chincoteague Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard discussed or considered by the Town Council.

VOTE: Ayes - Howard, Dill, Jones, Taylor, Smith, Tarr  
Nays - NONE  
Absent - NONE

ATTEST: \_\_\_\_\_  
Town Manager

16. Recess.

Councilman Smith moved, seconded by Councilman Tarr to recess this meeting until November 21, 1996 at 7:30 p.m. Unanimously approved.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

**MINUTES OF THE NOVEMBER 21, 1996  
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**COUNCIL MEMBERS PRESENT**

**HARRY S. THORNTON, MAYOR  
ROYCE L. JONES, VICE MAYOR  
W. GRAHAM DILL, III, COUNCILMAN  
TERRY HOWARD, COUNCILMAN  
H. AUSTIN SMITH, COUNCILMAN  
JOHN H. TARR, COUNCILMAN  
JOHN R. TAYLOR, JR., COUNCILMAN**

**1. CALL TO ORDER.**

**MAYOR THORNTON RECONVENED THE RECESSED MEETING AT 7:30 PM.**

**2. INVOCATION.**

**COUNCILMAN SMITH OFFERED THE INVOCATION.**

**3. PLEDGE OF ALLEGIANCE.**

**MAYOR THORNTON LED IN THE PLEDGE OF ALLEGIANCE.**

**4. STREET NAME CHANGE REQUEST.**

COUNCILMAN TAYLOR MOVED, SECONDED BY COUNCILMAN TARR TO CHANGE THE NAME OF JOHN SIDNEY PARKWAY TO JOHN S. WHEALTON LANE AS REQUESTED BY MR. HERMAN WHEALTON WITH MR. WHEALTON ASSUMING THE COST OF THE NEW SIGN. UNANIMOUSLY APPROVED.

COUNCIL STATED THAT FROM THIS POINT ON THAT ALL NEW REQUEST FOR A STREET NAME ARE TO BE IN WRITING FROM ALL PROPERTY OWNERS IN THE IMMEDIATE AREA THAT IS TO BE SERVED BY THE STREET, ROAD, LANE, ETC.

**5. INSURANCE REVIEW/RATING OF TOWN BUILDING DEPARTMENT.**

MR. KENNY LEWIS, BUILDING ADMINISTRATOR, EXPLAINED UPCOMING CHANGES IN INSURANCE RATINGS ON NEW CONSTRUCTION BY RATING THE TOWN'S BUILDING DEPARTMENT BY THE INSURANCE SERVICES OFFICE, ISO. SUCH RATING MAY RESULT IN REDUCTIONS IN LOCAL INSURANCE PREMIUMS. HOWEVER, THIS CAN'T OCCUR IF THE GOVERNING BODY DECIDED NOT TO PARTICIPATE. ANY DISCOUNTS ARE BASED UPON THE RATING OF THE LOCAL BUILDING DEPARTMENT FOR ITS PERFORMANCE. THIS WILL ONLY APPLY TO NEWLY CONSTRUCTED STRUCTURES WITHIN THE TOWN. MR. LEWIS RECOMMENDS THE APPROVAL FOR THE SURVEY DUE TO THE STATUS OF THE TOWN'S BUILDING DEPT. COUNCILMAN TARR EXPLAINED THAT HE AND VICE MAYOR JONES HAD A BRIEFING ON THIS AT VML AND SUGGEST IT IS TO THE COMMUNITY'S BENEFIT.

COUNCILMAN SMITH MOVED, SECONDED BY COUNCILMAN DILL TO ACCEPT THE BUILDING ADMINISTRATOR'S RECOMMENDATION TO ALLOW THE ISO BUILDING DEPARTMENT GRADING AND EFFECTIVENESS REVIEW WITHIN THE TOWN. UNANIMOUSLY APPROVED.

**6. RESIGNATION FROM CHINCOTEAGUE RECREATION & CONVENTION CENTER AUTHORITY.**

MAYOR THORNTON PRESENTED MR. PAUL MERRITT'S RESIGNATION FROM THE AUTHORITY EFFECTIVE NOVEMBER 11, 1996. MAYOR THORNTON SUGGESTED THE COUNCIL DELAY ANY REPLACEMENT UNTIL THE COUNCIL HAS AN OPPORTUNITY TO MEET WITH THE AUTHORITY TO DISCUSS THEIR IDEAS AND THEIR PLANS FOR THE OPERATION OF THE CENTER AS CONSTRUCTION IS ALMOST COMPLETE. COUNCILMAN SMITH MOVED, SECONDED BY COUNCILMAN TAYLOR TO ACCEPT MR. MERRITT'S RESIGNATION AND TO DELAY THE APPOINTMENT OF THIS POSITION UNTIL AFTER JANUARY 1, 1997. UNANIMOUSLY APPROVED.

**7. BUDGET/PERSONNEL COMMITTEE RECOMMENDATIONS.**

COUNCILMAN TAYLOR MOVED, SECONDED BY COUNCILMAN DILL TO ACCEPT THE FOLLOWING RECOMMENDATIONS OF THE BUDGET COMMITTEE:

A. THAT ALL FULL-TIME EMPLOYEES BE GRANTED A \$50 CHRISTMAS BONUS FOR 1996, AND

B. THAT THE CLASSIFICATION TABLE IN THE PERSONNEL POLICY BE AMENDED TO SHOW THAT A SHOCK TRAUMA TECH 1 BEGIN AT A GRADE 6 STEP 1 AND THAT A SHOCK TRAUMA TECH 2 BEGIN AT A GRADE 7 STEP 1.

THE MOTION WAS UNANIMOUSLY APPROVED.

**8. STREET LIGHT REQUEST.**

VICE MAYOR JONES MOVED, SECONDED BY COUNCILMAN TAYLOR TO INSTALL A STREET LIGHT AT THE ENTRANCE TO THE MECHANICS CEMETERY ON CHURCH STREET. UNANIMOUSLY APPROVED.



**9. UPDATE ON CHINCOTEAGUE INNER CHANNEL DREDGING.**

TOWN MANAGER BAKER EXPLAINED THAT THE CORP OF ENGINEERS HAS RECEIVED WHAT APPEARS TO BE NEGATIVE COMMENTS FROM THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, THE VIRGINIA MARINE RESOURCES COMMISSION AND VIRGINIA INSTITUTE OF MARINE SCIENCE FOR THE PROPOSED PLACEMENT OF DREDGE MATERIAL FROM THE CHINCOTEAGUE INNER CHANNEL AND LEWIS CREEK PROJECT IN AN OVERBOARD DISPOSAL SITE IN CHINCOTEAGUE BAY. MR. BAKER INDICATED THAT THIS IS IN RESPONSE TO THE RECENT EVALUATION THAT THE CORPS HAS COMPLETED AS A RESULT OF THEIR LAST DREDGING OF THIS PROJECT WHICH RECOMMENDS THAT SUCH A SITE IS THE MOST FEASIBLE AND MOST ENVIRONMENTALLY SOUND LOCATION FOR THE MATERIAL. MR. BAKER POINTED OUT THAT BOTH THE TOWN AND THE COUNTY HAVE SUPPORTED THIS SITE PROPOSAL AND ARE JOINT SPONSORS ON THIS PROJECT. HE FURTHER STATED THAT SOMEONE FROM THE CORPS HAS SUGGESTED THAT THE TOWN AND COUNTY JOINTLY REQUEST THE GENERAL ASSEMBLY TO CONSIDER DEEDING A 100 ACRE TRACT IN CHINCOTEAGUE BAY TO THE CORPS FOR A PERMANENT DISPOSAL SITE IN AN EFFORT TO REDUCE THE IMPACT OF SUCH REGULATIONS FOR THE ECONOMIC BENEFIT OF THE COMMUNITY FOR WATERBORNE COMMERCE. COUNCILMAN TAYLOR MOVED, SECONDED BY COUNCILMAN HOWARD TO REQUEST THE GENERAL ASSEMBLY TO DEED AN OVERBOARD SITE OF 100 ACRES AS A PERMANENT DISPOSAL SITE FOR THE INNER CHANNEL/LEWIS CREEK PROJECT AND TO ASK ACCOMACK COUNTY FOR THEIR SUPPORT. UNANIMOUSLY APPROVED.

**10. OTHER.**

COUNCILMAN TAYLOR REPORTED THAT FALCON CABLE HAS BEEN PARKING THEIR TRUCK IN SUCH A MANNER THAT IT BLOCKS THE RIGHT OF WAY LEADING TO THE MUNICIPAL DOCK. MAYOR THORNTON INSTRUCTED THE TOWN MANAGER TO NOTIFY FALCON CABLE TO RESOLVE THIS PROBLEM.

TOWN MANAGER BAKER EXPLAINED TO COUNCIL THAT THE PROPOSED OFFICE MOVING DATE IS DECEMBER 19TH FOR THE COMPUTERS AND ASKED COUNCIL'S PERMISSION TO CLOSE TOWN OFFICE OPERATIONS ON 12/19 AND 12/20 FOR MOVING. COUNCIL AGREED REQUIRING THAT THE PUBLIC BE NOTIFIED BY ADVERTISEMENT ON CHANNEL 9, EASTERN SHORE NEWS AND IN THE CHINCOTEAGUE BEACON AND THAT OPERATIONS WILL OPEN BACK UP 12/23 AT 8:00 AT THE NEW LOCATION AT 6150 COMMUNITY DRIVE.

ZONING ADMINISTRATOR LEWIS ASKED COUNCIL FOR A CLARIFICATION ON THEIR RECENT APPROVAL OF BANNER REGULATIONS WHICH REQUIRE A BUILDING PERMIT. HE INDICATED THAT THERE IS A CONFLICT WITH THE BUILDING CODE AND ZONING ORDINANCE AS THE BUILDING CODE ONLY PROVIDES A 60 DAYS MAXIMUM USE FOR BANNERS AND THE ZONING AMENDMENT INDICATED THAT A PERMIT WOULD BE GOOD FOR 1 YEAR. UPON DISCUSSION WITH COUNCIL IT WAS DECIDED THAT MR. LEWIS STILL ALLOW FOR A 1 YEAR PERMIT BY REVIEWING EACH BANNER PERMIT ON A 60 DAY INTERVAL FOR THEIR CONDITION AND PLACEMENT. COUNCIL STRESSED THEIR PREVIOUS POSITION THAT A NEW APPLICATION FOR PERMIT BE SUBMITTED ANNUALLY FOR EACH BANNER.

**11. NEXT MEETING.**

MAYOR THORNTON STATED THAT THE NEXT MEETING OF COUNCIL WILL BE DECEMBER 2, 1996.

**12. EXECUTIVE SESSION.**

COUNCILMAN HOWARD MOVED, SECONDED BY COUNCILMAN TARR TO GO INTO EXECUTIVE SESSION UNDER SECTION 2.1-344 OF THE VIRGINIA CODE TO DISCUSS

MATTERS OF ACTUAL OR PROBABLE LITIGATION AND TO DISCUSS MATTERS PERTAINING TO PERSONNEL; UNANIMOUSLY APPROVED.

COUNCILMAN HOWARD MOVED, SECONDED BY COUNCILMAN SMITH TO RECONVENE IN REGULAR SESSION; UNANIMOUSLY APPROVED.

COUNCILMAN SMITH MOVED, SECONDED BY COUNCILMAN HOWARD TO ADOPT A RESOLUTION OF CERTIFICATION OF THE EXECUTIVE SESSION;

WHEREAS, THE CHINCOTEAGUE TOWN COUNCIL HAS CONVENED AN EXECUTIVE MEETING ON THIS DATE PURSUANT TO AN AFFIRMATIVE RECORDED VOTE AND IN ACCORDANCE WITH THE PROVISIONS OF THE VIRGINIA FREEDOM OF INFORMATION ACT; AND

WHEREAS, SECTION 2.1-344.1 OF THE CODE OF VIRGINIA REQUIRES A CERTIFICATION BY THIS TOWN COUNCIL THAT SUCH EXECUTIVE MEETING WAS CONDUCTED IN CONFORMITY WITH VIRGINIA LAW;

NOW, THEREFORE, BE IT RESOLVED THAT THE CHINCOTEAGUE TOWN COUNCIL HEREBY CERTIFIES THAT TO THE BEST OF EACH MEMBER'S KNOWLEDGE, (I) ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS BY VIRGINIA LAW WERE DISCUSSED IN THE EXECUTIVE MEETING TO WHICH THIS CERTIFICATION RESOLUTION APPLIES, AND (II) ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE EXECUTIVE MEETING WERE HEARD DISCUSSED OR CONSIDERED BY THE TOWN COUNCIL.

VOTE: AYES - SMITH, HOWARD, JONES, TAYLOR, TARR, DILL

NAYS - NONE

ABSENT - NONE

ATTEST: \_\_\_\_\_  
TOWN MANAGER

13. ACCEPTANCE OF MAIN STREET WATER MAIN PROJECT.

COUNCILMAN SMITH MOVED, SECONDED BY VICE MAYOR JONES TO ACCEPT THE MAIN STREET WATER MAIN PROJECT FROM CROFTON DIVING CORPORATION UNDER THE TERMS STATED TO CROFTON DIVING IN A LETTER DATED NOVEMBER 20, 1996. UNANIMOUSLY APPROVED.

14. TRANSFER OF TOWN HOSPITALIZATION GROUP.

COUNCILMAN HOWARD MOVED, SECONDED BY COUNCILMAN DILL TO ACCEPT THE TOWN MANAGER'S RECOMMENDATION TO TRANSFER THE TOWNS HOSPITALIZATION GROUP TO THE VACO HEALTH PLAN EFFECTIVE JANUARY 1, 1997 TO INCLUDE COVERAGE FOR ALL TOWN RETIREES. UNANIMOUSLY APPROVED.

15. THANK YOU.

VICE MAYOR JONES THANKED THE COUNCIL INDIVIDUALLY FOR THE FLOWERS DURING THE PASSING OF HIS MOTHER.

COUNCILMAN TAYLOR ASKED THE COUNCIL FOR THEIR PRAYERS FOR BILL HUDSON WHO IS TO UNDERGO SURGERY TOMORROW.

**16. ADJOURNMENT.**

**COUNCILMAN TAYLOR MOVED, SECONDED BY COUNCILMAN DILL FOR ADJOURNMENT. UNANIMOUSLY APPROVED AT 10:00 PM.**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**TOWN MANAGER**

**MINUTES OF THE DECEMBER 2, 1996  
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING**

**PRESENT: JOHN R. TAYLOR, JR., HARRY S. THORNTON, GRAHAM  
DILL, JOHN TARR, TERRY HOWARD, ROYCE JONES &  
AUSTIN SMITH**

**ABSENT: NONE**

**1. CALL TO ORDER**

**MAYOR THORNTON CALLED THE MEETING TO ORDER AT 7:30 PM.**

**2. INVOCATION**

**MR. TAYLOR OFFERED THE INVOCATION.**

**3. PLEDGE OF ALLEGIANCE**

**MAYOR THORNTON LED IN THE PLEDGE OF ALLEGIANCE.**

**4. MINUTES OF THE NOVEMBER 4 AND 21, 1996 MEETINGS**

**COUNCILMAN TAYLOR MOVED, SECONDED BY COUNCILMAN SMITH TO  
APPROVE THE MINUTES OF NOVEMBER 4 AND 21, 1996 MEETINGS AS PRESENTED.  
COUNCILMAN HOWARD QUESTIONED THE BANNER ISSUE  
AMENDMENT/AMENDMENTS TO BE SENT BACK TO THE PLANNING COMMISSION -  
ASKED FOR CORRECTIONS TO MINUTES - CHECK FOR SECOND - TO ACCEPT AS  
AMENDED. UNANIMOUSLY APPROVED**

**5. COUNCIL INFORMATION ITEMS**

**THERE WERE NO QUESTIONS FROM COUNCIL.**

**6. COMMITTEE REPORTS**

**BUDGET/PERSONNEL & PUBLIC WORKS - COUNCILMAN TARR STATED THESE  
WERE DISCUSSED AT THE RECESSED MEETING. HE FURTHER STATED THE  
DECEMBER P.W. MTG. WILL BE 12/5.**

**DEER TASK FORCE - COUNCILMAN TAYLOR STATED THAT INFORMATION  
MEETINGS WILL BE HELD 12/10 & 12/11 IN THE FIRE HOUSE AT 7:30 PM EACH NIGHT.  
MR. DILL QUESTIONED WHO DEVELOPED THE TELEPHONE SURVEY? MR. TAYLOR  
STATED THE DEPT. OF GAME & INLAND FISHERIES. COUNCILMAN HOWARD  
EXPLAINED THAT THERE IS A PARK IN HAMPTON THAT HAS BEEN DEVELOPED AS A  
POSSIBLE SITE TO RELOCATE DEER TO IF THEY ARE TRAPPED. MR. TAYLOR ASKED  
FOR THE APPOINTMENT OF A CO-CHAIRMAN TO ASSIST HIM.**

**COUNCILMAN SMITH QUESTIONED WILL THE DEER MEETING BE THE  
PRESENTATION FOR THE TASK FORCE RECOMMENDATIONS? MR. TAYLOR STATED  
NO, ITS AN INFORMATION MEETING ONLY.**

COUNCILMAN DILL INVITED THE COUNCIL TO PARTICIPATE IN THE CHRISTMAS CAROL EVENT PRIOR TO THE PARADE ON 12/7.

**7. PUBLIC PARTICIPATION**

**MR. DONALD LEONARD** - STATED THE FOLLOWING:

A. ENDORSE THE PROPOSAL TO SUPPORT THE ACQUISITION OF THE GYM AND BALL FIELD AT THE CURRENT ELEMENTARY SCHOOL SITE IF IT IS DECLARED SURPLUS BY THE SCHOOL BOARD.

B. HEARD DISCUSSION THAT AN ARTIFICIAL REEF MAY BE MADE OUT OF THE DISPOSED CONCRETE PRODUCTS LEFT OVER FROM THE DEMOLITION OF THE OLD BRIDGES. SUGGEST A REEF BE CONSTRUCTED.

C. ASKED THE CONSIDERATION OF BLACK NARROWS OR QUEEN SOUND BRIDGES AS A FISHING PIER.

D. ASKED THAT THE CVFC CONTINUED ACQUISITION OF GASOLINE/DIESEL FROM THE NEW TOWN FACILITY BE PERMITTED

E. CRCC AUTHORITY - NEWSPAPER ARTICLE BY NANCY NOMOSKY WHICH SAID "THORNTON ANTICIPATES MORE RESIGNATIONS FROM THE AUTHORITY. THINGS NEED TO BE STRAIGHTENED OUT. NOBODY KNOWS WHAT'S GOING ON. TWO THINGS THAT THE TOWN HAS REQUESTED HAVE BEEN PUT ON THE BACK BURNER. WE NEED TO FIND OUT WHAT THE AUTHORITY'S IDEAS ARE AND WHY THE THINGS WERE PUT ON THE BACK BURNER." MR. LEONARD ASKED MAYOR THORNTON IF HIS STATEMENT WAS CORRECT AS STATED IN THE NEWSPAPER. MAYOR THORNTON SAID YES THAT IS CORRECT. MR. LEONARD ALSO STATED THAT TODAY HE SUBMITTED HIS RESIGNATION FROM THE AUTHORITY NOT AS A RESULT OF THIS ARTICLE TO BE EFFECTIVE FEBRUARY 1, 1997. MAYOR THORNTON STATED HE WILL NOT DISCUSS THIS ARTICLE UNTIL THE COUNCIL MEETS WITH THE AUTHORITY MEMBERS TO DISCUSS THE ITEMS ON HIS MIND. MAYOR THORNTON FURTHER STATED HE WON'T DISCUSS THE SUBJECT UNTIL JANUARY WHEN THE FULL AUTHORITY IS PRESENT

**MR. KELLY CONKLIN** - FEELS THIS IS A POSITIVE OPPORTUNITY FOR THE COMMUNITY AND DOESN'T SEE HOW IT CAN GET SO TURNED AROUND...IF WE ARE NOT IN AGREEMENT WE NEED TO GET IN AGREEMENT AS QUICK AS POSSIBLE. MR. CONKLIN STATED THAT HE IS PRO BUSINESS AND MAKES NO BONES ABOUT IT. THE COMMUNITY SHOULD BE HAPPY THAT THEIR TAXES HAVE NOT BEEN RAISED IN OVER 10 YEARS DUE TO THE FINE STATUS OF THE BUSINESS COMMUNITY. THE ONLY COMMODITY THE AUTHORITY HAS TO USE IS TO SELL SPACE IN THE BUILDING FOR USE TO SUPPORT ALL PROPOSED ACTIVITIES. FEELS THE SOONER THE TOWN & AUTHORITY MEET THE BETTER THE SITUATION WILL BE.

**MS. KATHY ZETTIMEYER** - EXPRESSED HER OUTRAGE AT THE SCHOOL BOARDS PROPOSAL TO CUT THE TIMBER ON THE SCHOOL BOARD PROPERTY FOR THE PURPOSE OF OFF SETTING CONSTRUCTION COST ON THE NEW SCHOOL. IS THIS RESPONSIBLE STEWARDSHIP? ARE THE TREES OVER 100 YRS. OLD? DOES IT REALLY HAVE \$100,000 POTENTIAL FROM WILDLIFE HABITAT? SHE EXPLAINED THAT SHE TEACHES SCHOOL ON CHINCOTEAGUE. AND HAS A LOCAL BUSINESS LICENSE BUT DOES NOT LIVE ON THE ISLAND. COUNCILMAN HOWARD SAID A PRIME CONCERN IS THE LOSS OF POSSIBLE STORM PROTECTION IF THE PROPERTY IS CUT.

FRED TOLBERT STATED HE DOESN'T THINK ANY TREES WILL BE CUT AT THE HIGH SCHOOL EXCEPT THOSE NECESSARY FOR THE NEW SCHOOL SITE CONSTRUCTION. HE SAID HE AS HAD A BAD EXPERIENCE IN TRYING TO SELL TIMBER FROM THE ISLAND.

COUNCILMAN SMITH FEELS THIS IS OF DEEP CONCERN TO THE LOCAL PUBLIC.

MIKE TOLBERT - STATED THE NORTH ACCOMACK LITTLE LEAGUE IS INTERESTED IN OBTAINING/RETAIN THE BASEBALL FIELD AT THE ELEMENTARY SCHOOL ON SMITH STREET. HESITANT AT PRESENT TO MAKE ANY IMPROVEMENTS TO THE FIELD. ASKED THE TOWN FOR ANY SUPPORT THAT IT MAY LEND IN HELPING THE RETAIN THIS FIELD FOR LOCAL USE. MAJORITY OF THE PLAYERS ARE FROM CHINCOTEAGUE. ALSO EXPLAINED THE NEED FOR SAVING/SECURING THE GYM FOR BASKETBALL USE FOR OUR YOUTH. WITHOUT IT IS VERY POSSIBLE THAT A GOOD PART OF THE BASKETBALL LEAGUE WILL CEASE.

ROYCE JONES INDICATED THAT SEVERAL LOCAL PARTIES HAVE ALREADY BEGUN A MOVEMENT ON SAVING THE BALL FIELD.

FRED TOLBERT FELT IT WOULD BE A BENEFIT IF THE GYM WAS RETAINED FOR USE FOR THE ELEMENTARY & HIGH SCHOOL USE AS WELL AS LOCAL USE. MAYOR THORNTON - WANTS TO SEE IT RETAINED AS AN ISLAND FACILITY WHERE IT IS AND NOT GO TO THE PARKS & RECREATION COMMISSION. HE WILL DISCUSS IT WITH SUPERVISOR THORNTON.

**8. AWARD FROM VA. DOWNTOWN DEVELOPMENT ASSOC.**

MR. BAKER EXPLAINED THAT THIS PRESENTATION HAS BEEN RESCHEDULED TO JANUARY 6, 1997 DUE TO AN ASSOCIATION CONFLICT.

**9. CONSIDER MEETING WITH SENATOR NORMENT & DELEGATE BLOXOM**

MR. BAKER EXPLAINED THAT THIS IS AN OPPORTUNITY TO DISCUSS THE CURRENT DREDGING PROBLEMS WITH OUR LOCAL REPRESENTATIVES. MAYOR THORNTON STATED THAT COUNCIL WILL MEET AT 3 P.M. ON 12/18 FOR THIS PURPOSE.

**10. UPDATE ON MOVE TO NEW BUILDING**

MR. BAKER EXPLAINED THAT HE HAS MADE ARRANGEMENTS FOR MOVING THE COMPUTER SYSTEM ON DECEMBER 19 & 20 AND THAT THE TELEPHONE SYSTEM WILL BE READY PM 12/9 AND THAT MOST OF THE PUNCH LIST ITEMS HAVE BEEN ADDRESSED.

**11. OTHER OLD BUSINESS**

**CERTIFICATE OF SUBSTANTIAL COMPLETION FOR PUBLIC WORKS FACILITY**

MR. BAKER PRESENTED THE CERTIFICATE OF SUBSTANTIAL COMPLETION FOR THE NEW PUBLIC WORKS FACILITY WHICH THE PUBLIC WORKS COMMITTEE RECOMMENDS THAT THE TOWN ACCEPT. COUNCILMAN TAYLOR MOVED, SECONDED BY COUNCILMAN TARR TO ACCEPT THE BUILDING AND AUTHORIZE THE TOWN MANAGER TO EXECUTE THE CERTIFICATE. UNANIMOUSLY APPROVED

**VDOT CAUSEWAY CLOSING FOR WATER LINE INSTALLATION**

MR. BAKER INFORMED COUNCIL THAT VDOT WILL CLOSE THE CAUSEWAY BEGINNING AT MIDNIGHT ON 12/4, 12/5, 12/9, 12/10, 12/11 & 12/12, WEATHER PERMITTING, FOR THE WATER LINE ROAD CROSSING INSTALLATION FOR THE NEW BRIDGES. ANTICIPATES EACH CLOSING TO BE APPROXIMATELY 3 HOURS AND PROVISIONS HAVE BEEN MADE FOR EMERGENCY VEHICLES IF NECESSARY.

**SOLE SOURCE ACQUIFER**

MR. BAKER REPORTED THAT CHINCOTEAGUE HAS BEEN EXEMPTED FROM THE MEMORANDUM OF UNDERSTANDING FOR THE SOLE SOURCE AQUIFER DESIGNATION JUST AS TANGIER HAS BEEN. HE INDICATED THAT HE HAS RECEIVED A COPY OF THE CORRESPONDENCE FROM ISLAND SUPERVISOR THORNTON.

**CHRISTMAS DECORATION JUDGING**

COUNCILMAN HOWARD SUGGESTED THAT BEST DECORATED 1 STORY, 2 STORY & MOBILE HOME DURING CHRISTMAS SEASON BE THE CRITERIA FOR THIS YEAR. MAYOR THORNTON APPOINTED COUNCILMAN DILL IN CHARGE OF CHRISTMAS DECORATION JUDGING FOR 1996.

**12. CONSIDER RECOMMENDATION TO COURT FOR BZA**

TOWN ATTORNEY POULSON ASKED THAT THIS SUBJECT BE DEFERRED TO EXECUTIVE SESSION. COUNCIL AGREED.

**13. CONSIDER CANCELING DECEMBER RECESSED MEETING**

VICE MAYOR JONES MOVED, SECONDED BY COUNCILMAN TAYLOR TO CANCEL THE DECEMBER RECESSED MEETING DUE TO THE OFFICE RELOCATION. UNANIMOUSLY APPROVED

**14. OTHER NEW BUSINESS**

**HI-Y DONATION**

COUNCILMAN SMITH CONTACTED MRS. MILISSA HOLLAND WHO IS IN CHARGE OF THE HI-Y CLUB IN REGARD TO THEIR EXPENSES IN ATTENDING THE MODEL GENERAL ASSEMBLY IN APRIL. COUNCILMAN SMITH MOVED, SECONDED BY COUNCILMAN TAYLOR TO DONATE \$300 TO THE HI-Y TO GO TO MGA TO HELP OFF SET EXPENSE OF SENDING STUDENTS TO ATTEND PROVIDING THE TOWN COUNCIL GETS A REPORT FROM THOSE WHO ATTENDED UPON THEIR RETURN. UNANIMOUSLY APPROVED

**15. NEXT MEETING**

MAYOR THORNTON STATED THAT THE NEXT REGULAR MEETING OF THE TOWN COUNCIL WILL BE JANUARY 6, 1997 AT 6150 COMMUNITY DRIVE, IN THE NEW MUNICIPAL COMPLEX.

**16. EXECUTIVE SESSION**

COUNCILMAN TAYLOR MOVED, SECONDED BY COUNCILMAN SMITH TO GO INTO EXECUTIVE SESSION UNDER SECTION 2.1-344 OF THE VIRGINIA CODE TO CONSULT WITH LEGAL COUNSEL PERTAINING TO ACTUAL OR PROBABLE LITIGATION; UNANIMOUSLY APPROVED.

COUNCILMAN HOWARD MOVED, SECONDED BY COUNCILMAN SMITH TO RECONVENE IN REGULAR SESSION; UNANIMOUSLY APPROVED.

COUNCILMAN HOWARD MOVED, SECONDED BY VICE MAYOR JONES TO ADOPT A RESOLUTION OF CERTIFICATION OF THE EXECUTIVE SESSION;

WHEREAS, THE CHINCOTEAGUE TOWN COUNCIL HAS CONVENED AN EXECUTIVE MEETING ON THIS DATE PURSUANT TO AN AFFIRMATIVE RECORDED VOTE AND IN ACCORDANCE WITH THE PROVISIONS OF THE VIRGINIA FREEDOM OF INFORMATION ACT; AND

WHEREAS, SECTION 2.1-344.1 OF THE CODE OF VIRGINIA REQUIRES A CERTIFICATION BY THIS TOWN COUNCIL THAT SUCH EXECUTIVE MEETING WAS CONDUCTED IN CONFORMITY WITH VIRGINIA LAW;

NOW, THEREFORE, BE IT RESOLVED THAT THE CHINCOTEAGUE TOWN COUNCIL HEREBY CERTIFIES THAT TO THE BEST OF EACH MEMBER'S KNOWLEDGE, (I) ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS BY VIRGINIA LAW WERE DISCUSSED IN THE EXECUTIVE MEETING TO

**VOTE: AYES -           HOWARD, JONES, TAYLOR, DILL TARR, SMITH**  
**NAYS -            NONE**  
**ABSENT -        NONE**

MR. BAKER UPDATED BOTH SENATOR NORMENT & DELEGATE BLOXOM ON THE CURRENT STATUS OF DREDGING PERMITS FOR THE REFERENCED PROJECTS. HE CITED THAT ALL FEDERAL AGENCIES HAVE GRANTED THEIR BLESSINGS BUT

THAT THE VIRGINIA MARINE RESOURCES COMMISSION, DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE VIRGINIA INSTITUTE OF MARINE SCIENCE APPEAR TO BE OBJECTING TO THE PROPOSED DREDGE MATERIAL PLACEMENT SITE. HE CITED THAT THE CORPS OF ENGINEERS HAS SPENT A GREAT DEAL OF TAXPAYERS MOINES TO STUDY POTENTIAL PLACEMENT SITES AND THAT THE BEST SITE IS OVERBOARD ACROSS FROM CHINCOTEAGUE HIGH SCHOOL IN CHINCOTEAGUE BAY, HOWEVER THE STATE AGENCIES APPEAR TO WANT TO BLOCK THIS. IF THIS OCCURS IT WILL RESULT IN AN ADVERSE ECONOMIC IMPACT ON THE LOCAL ECONOMY AND WILL KILL WATERBORNE COMMERCE. MR. BAKER INFORMED BOTH REPRESENTATIVES THAT IT HAS BEEN SUGGESTED TO HIM THAT THE STATE MAY BE IN A POSITION TO DEED THE REQUIRED PLACEMENT SITE TO THE CORPS OF ENGINEERS AS A PERMANENT PLACEMENT SITE WHICH WILL ELIMINATE THE INPUT FROM THE STATE AGENCIES.

BOTH REPRESENTATIVES ASKED IF THIS MOVE WOULD BE SETTING PRECEDENCE FOR SUCH ACTION? MR. BAKER REPLIED NO THAT HE HAS BEEN TOLD BY THE CORPS REPRESENTATIVES THAT THIS HAS BEEN DONE IN THE PAST. THEY BOTH ASKED MR. BAKER TO GET COPIES OF SUCH DOCUMENTATION. THEY ALSO ASKED FOR ANY INFORMATION THAT MAY EXIST IN REGARD TO SUBAQUEOUS VEGETATION (SAV) IN THIS AREA. MR. BAKER SAID THAT HE WOULD CONTACT THE CORPS AND OBTAIN THIS INFORMATION.

SENATOR NORMENT INDICATED THAT HE WILL SUPPORT SUCH A MOVE IF IT HAS BEEN DONE BEFORE INSTEAD OF HAVING TO FORGE NEW GROUND FOR THIS REQUEST.

COUNCIL THANKED BOTH FOR THEIR CANDIDNESS IN THIS MATTER AND INDICATED THE TOWN WILL ALSO APPROACH THE BOARD OF SUPERVISORS TODAY WITH THE SAME REQUEST AS THEY ARE THE LOCAL SPONSOR ON ONE OF THE TWO PROJECTS.

**4. ADJOURNMENT**

COUNCILMAN JONES MOVED, SECONDED BY COUNCILMAN TAYLOR FOR ADJOURNMENT. UNANIMOUSLY APPROVED AT 3:55 P.M.

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MAYOR

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TOWN MANAGER

MINUTES OF THE DECEMBER 27, 1996  
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING

PRESENT: JOHN R. TAYLOR, ROYCE JONES, GRAHAM DILL, TERRY HOWARD, JACK TARR, AUSTIN SMITH, HARRY THORNTON

OTHERS: DONALD LEONARD, MARIANNE WHITE, KELLY CONKLIN, PAUL MERRITT, WANDA THORNTON, JACKIE RUSSELL, JIM THREATTE, ANGIE CONKLIN, WILLIAM JONES, FRED TOLBERT

**1. CALL TO ORDER**

MAYOR THORNTON CALLED THE SPECIAL MEETING TO ORDER AT 10 A.M.

**2. INVOCATION**

THE INVOCATION WAS OFFERED BY MR. DILL.



**3. PLEDGE OF ALLEGIANCE**

**MAYOR THORNTON LED IN THE PLEDGE OF ALLEGIANCE.**

**4. PURPOSE OF MEETING**

**MAYOR THORNTON STATED THE PURPOSE OF MEETING WITH THE CHINCOTEAGUE RECREATION & CONVENTION CENTER AUTHORITY IS TO DISCUSS THEIR PLANS FOR THE OPERATION OF THE COMMUNITY CENTER AND TO RESOLVE ANY CONCERNS THE COUNCIL MAY HAVE ABOUT THE OPERATION OF THE FACILITY.**

**AUTHORITY CHAIRMAN DONALD LEONARD GAVE A STATUS REPORT OF THE CENTER TO DATE.**

**MAYOR THORNTON STATED THAT THE COUNCIL HAD NEVER BEEN BRIEFED ON THE AUTHORITIES OPERATION AND HE & THE COUNCIL HAS HAD A GREAT CONCERN OVER PROVIDING FACILITIES FOR THE SENIOR CITIZENS AND THE YOUTH OF THE COMMUNITY. HE WOULD LIKE TO KNOW HOW THEY WILL BE ADDRESSED.**

**MR. LEONARD REPLIED BOTH WERE IN THE OUTLINE FOR USE OF THE FACILITY TO THE COMMUNITY. CURRENT MEMBERS OF THE OPERATIONAL COMMITTEE ARE YOUTH ORIENTED AND WE FEEL YOUR CONCERN IS ADDRESSED.**

**MAYOR THORNTON ASKED HOW DO THEY FIT INTO THE PROGRAM?**

**MR. LEONARD STATED HE AND MR. MERRITT ELECTED NOT TO BE MEMBERS OF THE OPERATIONAL COMMITTEE TO MAKE WAY FOR YOUNGER INPUT. PEOPLE WHO ARE THE MOST VOCAL USUALLY DO THE LEAST, WHAT EVER THE SUBJECT IS.**

**HE DOESN'T FEEL GOOD ABOUT THE ACCOMPLISHMENTS TO DATE ON THEIR PARKING LOT. HE WANTED TO STAY IN BUDGET AND HAD ORIGINALLY WANTED TO PLACE OYSTER SHELLS THERE. THE CURRENT PLANS HAVE CHANGED. IT WAS SUGGESTED THAT THE TOWN MAY BE ABLE TO HELP THEM PREPARE IT IF TIME ALLOWED. AUTHORITY TRIED TO GET OUTSIDE CONTRACTORS BUT TO DATE HAVE BEEN UNSUCCESSFUL IN ITS COMPLETION.**

**MR. LEONARD ADDRESSED THE HIRING OF THEIR FACILITY DIRECTOR. THE BUDGET HAS \$50,000 BUDGETED FOR STAFF BUT THAT INCLUDES DIRECTOR, SECRETARY AND OTHER SUPPORT STAFF AS NEEDED.**

**AUTHORITY VICE CHAIRMAN KELLY CONKLIN RECALLED COUNCILS DIRECTIVE THAT THE FACILITY HAD TO BE SELF SUPPORTING AND NOT A TAX BURDEN TO THE ISLAND. ALSO HAD TO ACCOUNT FOR THE GREATEST NUMBER OF USES FOR THE BUILDING. THEY HAVE ENDED UP WITH "SPACE" FOR USE. IT DID ELIMINATE THE USE OF BASKETBALL AND VOLLEY BALL. ORIGINAL PLANS CALL FOR THE CUTTING OF PARKING LOTS & CURBING AS WELL AS SOME OF THE HEIGHT IN THE BUILDING. AUTHORITY FORMED AN OPERATIONS COMMITTEE FOR THIS FACILITY. THEY FURTHER TOOK ACTION TO FIND A DIRECTOR WHO IS THE ONLY PAID STAFF. THE AUTHORITY MEMBERS ARE VOLUNTEER POSITIONS APPOINTED BY THE COUNCIL. COMMITTEE SPENT TIME ON PLANS FOR THE FACILITY AND TO DEVELOP A BUDGET FOR THE OPERATION WITH ONLY GUESS WORK UNTIL WE HAVE SOME ACTUAL EXPERIENCE. HAVE REFUSED SOME USES OF THE FACILITY DUE TO THE LATE DATE OF ACQUISITION OF THE BLDG. FROM THE CONTRACTOR. AUTHORITY HAS SPENT ALL OF ITS CURRENT MONIES IN THE BUILDING. CURRENTLY HAVE NO PLANNED ACTIVITIES FOR 1997 AS YET NOR DO WE HAVE ANY FUND RAISING EVENTS SCHEDULED EITHER FOR 1997. HAVE TO PRIORITIZE THE BUILDING USE. FRIDAY - SUNDAY FULL PRICE (\$450/DAY) FOR USAGE; MON. - THUR. FOR REDUCED RATES**

**(\$265/DAY) FOR COMMUNITY GROUP ACTIVITIES FOR THE WHOLE FACILITY OF \$50/DAY FOR A SINGLE ROOM. RATES WERE DETERMINED BY THE BUDGET NEEDS.**

**COUNCILMAN TAYLOR REVIEWED THE SENIOR CENTER INVOLVEMENT - CURRENT BLDG. IS OWNED BY THE MASONIC LODGE. CURRENTLY OPENED 5 DAYS PER WEEK WITH THEM PAYING THEIR OWN ELECTRIC BILL PLUS 1500 GALLONS OF OIL/YEAR PROVIDED BY THE LODGE. PAY \$325/MO. RENT FOR THEIR CURRENT FACILITY. CURRENTLY THE SENIORS DON'T WANT TO MOVE UNLESS THEY HAVE TO.**

**COUNCILMAN DILL QUESTIONED WHAT DO WE DO IF THEY DON'T WANT TO MOVE? MR. TAYLOR STATED IF THE LODGE IS SOLD THEIR LEASE MAY TERMINATE AND OTHER FACILITIES WILL BE REQUIRED.**

**MR. CONKLIN STATED WE NEED TO DO WHAT IS NECESSARY TO MAKE THE FACILITY TURN SOME REVENUE FOR ITS OPERATION.**

**MR. LEONARD CITED THAT CRAFT SHOWS ARE ONLY 1 EVENT THAT MAY BE ARRANGED**

**MR. CONKLIN STATED THAT WE ARE CHANGING FROM BUILDING THE BUILDING TO OPERATING THE BUILDING AND ARE LOOKING FOR EVENTS WE CAN MANAGE OURSELVES.**

**MAYOR THORNTON APPRECIATED THE INFO MR. TAYLOR HAS EXPLAINED TODAY CONCERNING THE SENIORS BUT DOESN'T WANT THEM TO BE FORGOTTEN WHEN THE NEED MAY ARISE. KELLY AGREED THAT THEY WILL NOT BE OVERLOOKED.**

**MR. DILL AS A MEMBER OF THE OPERATIONS COMMITTEE, STATED NO GROUP WILL BE OVERLOOKED IF THEIR NEEDS ARE BROUGHT TO THE ATTENTION OF THE OPERATIONS COMMITTEE.**

**COUNCILMAN SMITH SUGGESTED THAT THE AUTHORITY'S MANAGER SHOULD ALSO GO SPEAK TO THE SENIORS AS WELL AS OTHER COMMUNITY GROUPS.**

**MR. LEONARD STATED THAT HE & MISS ANGIE CONKLIN HAVE TALKED ABOUT THIS PROJECT FOR A LONG TIME AND HAS EXPRESSED A WILLINGNESS TO STAY IN TOUCH WITH THE SCHOOLS AND KEEP THE OPERATIONS COMMITTEE INFORMED.**

**MR. DILL STATED THE OPERATIONS COMMITTEE NEEDS TO KNOW WHAT ALL NEEDS ARE.**

**COUNCILMAN TARR FEELS THE COUNCIL SHOULD GET A MONTHLY REPORT FROM THE AUTHORITY FOR THEIR UPDATE.**

**MR. LEONARD SUGGESTED THAT THE COUNCIL ASK FOR A REPORT FROM MR. HOWARD ON THE AUTHORITY ACTIVITIES AND FROM MR. DILL FROM THE OPERATIONS COMMITTEE.**

**MAYOR THORNTON FEELS THAT MAY BE PART OF THE PROBLEM AS MR. HOWARD DOESN'T GIVE A REPORT.**

**AUTHORITY SECRETARY MARIANNE WHITE STATED THERE ARE QUARTERLY AUTHORITY MEETINGS ON THE SECOND MONDAY AT 9 AM. AND THAT THE OPERATIONS COMMITTEE TAKES NOTES OF THEIR MEETINGS. THESE MEETINGS**

GENERATE MINUTES WHICH WILL BE COPIED TO THE TOWN FOR DISTRIBUTION TO THE COUNCIL.

VICE MAYOR JONES ASKED FOR AN UPDATE ON THEIR LOAN STATUS. MR. LEONARD WENT THROUGH THE HISTORY ON THIS ENDEAVOR. HAVE ACQUIRED INTERIM \$75,000 FROM F&M AT 8.25% UNTIL THE FULL AMOUNT CAN BE ACQUIRED AT A TAX FEED STATUS.

ISLAND SUPERVISOR THORNTON REVIEWED THE MARCH 1992 ACTION OF THE TOWN COUNCIL TO FORM A 25 MEMBER CITIZENS COMMITTEE TO GET INPUT ON WHAT SHOULD BE OFFERED IN THE COMMUNITY CENTER. THINKS THE NEEDS WERE DETERMINED IN 1992 AND DON'T THINK THEY NEED TO BE REESTABLISHED. FEELS IF WE PULL TOGETHER THIS FACILITY WILL WORK FOR EVERYONE.

MAYOR THORNTON & CHAIRMAN LEONARD SUGGESTED A JOINT PRESS RELEASE FROM THE TOWN & AUTHORITY.

MAYOR THORNTON STATED THE TOWN IS HERE TO HELP THE AUTHORITY AND FEELS THE PRIMARY PROBLEM IS DUE TO A BREAKDOWN IN COMMUNICATION BETWEEN THE TWO BOARDS.

MR. PAUL MERRITT, FORMER AUTHORITY MEMBER, FEELS THE TOWN COUNCIL HAS DONE A WONDERFUL THING AND THAT CHINCOTEAGUE IS THE BEST COMMUNITY ON THE EASTERN SHORE AND IF COUNCIL CONTINUES IT WILL STAY THAT WAY.

ANGIE CONKLIN SEES THAT THE COUNCIL IS REALLY SINCERE IN THEIR GOALS FOR THE COMMUNITY AND HAS A BETTER UNDERSTANDING IF THIS FACILITY THEN SHE HAD ENVISIONED. FEELS THE COMMUNITY NEEDS TO KNOW THAT BECAUSE WE HAVE A NEW TOWN OFFICE THEIR TAXES STILL ARE SERVING THEM AND SERVING THEM BETTER THAN BEFORE BECAUSE THE COUNCIL HAS A MISSION TO SERVE THE COMMUNITY.

FRED TOLBERT STATED THOSE WHO CRITICIZE THIS FACILITY AND THE AUTHORITY HAVE THE WRONG UNDERSTANDING OF THE WAY THINGS WORK. THE COMMUNITY NEEDS TO CREATE THE PROGRAMS FOR THE BUILDING AND NOT THE AUTHORITY. PEOPLE NEED TO UNDERSTAND THAT THE TOURIST PAID FOR THE CENTER AND NOT THEIR TAXES. THIS NEEDS TO BE REEMPHASIZED. CONGRATULATED MR. CONKLIN FOR THE PROPOSED FEE SCHEDULE FOR THE CENTER. INFORMED ALL OF THE SCHOOL BOARD PROCESS FOR ESTABLISHING SUCH FEES. THE AUTHORITIES FEES ARE VERY REASONABLE. DESIRED TO SEE NEXT YEARS CHS GRADUATION IN THE CENTER.

JIM THREATTE, THE MANAGER EMPLOYED BY THE AUTHORITY, FIRST DOCUMENT THAT WAS HANDED TO HIM AT HIS INTERVIEW WAS THAT REFERENCED BY MRS. THORNTON AND WILL BE DISTRIBUTED TO ALL WHO USE THE FACILITY.

MR. TAYLOR FEELS THIS HAS BEEN THE MOST FRUITFUL MEETING HE HAS ATTENDED FOR A LONG TIME. HE HAS ALWAYS SUPPORTED THIS PROJECT.

MRS. THORNTON FELT THE JANUARY 1992 LETTER EXPLAINING THE JUSTIFICATION FOR THE FACILITY SHOULD BE CONSIDER FOR REPUBLISHING FOR THE BENEFIT OF ALL.

MR. MERRITT STATED YOU HAVE TO KEEP TELLING THE PEOPLE THE SAME THING OVER AND OVER.

MRS. WHITE ALSO FEELS THAT THE AUTHORITY MAY HAVE DROPPED THE BALL OF ADVERTISING THIS FACILITY FOR BEING IN THE CONSTRUCTION MODE.

BILL JONES COMMENDED THE COUNCIL FOR THE NEW FACILITY AND FOR THE SERVICE MR. LEONARD AND MR. MERRITT AND ALL HAVE CONTRIBUTED IN THIS EFFORT.

MR. SMITH STATED HE HAS PERSONALLY SUPPORTED THIS FACILITY FROM THE BEGINNING AND HAS NO CONCEPT THAT IT WILL FAIL. THIS MEETING HAS RESOLVED MANY CONCERNS AND REESTABLISHED COMMUNICATIONS WITH THESE TWO BOARDS. SUGGEST A JOINT OPEN HOUSE WITH THE AUTHORITY WHEN BOTH FACILITIES ARE FULLY OPERATIONAL.

MAYOR THORNTON THANKED ALL FOR ATTENDING THIS MEETING AND FEELS THAT POSITIVE RESULTS WILL COME FROM IT.

**5. CERTIFICATE OF SUBSTANTIAL COMPLETION**

MR. TAYLOR MOVED, SECONDED BY MR. DILL TO AUTHORIZE THE TOWN MANAGER TO EXECUTED THE CERTIFICATE OF SUBSTANTIAL COMPLETION FOR THE MUNICIPAL CENTER AND FORWARD AS NEEDED. UNANIMOUSLY APPROVED

**6. CHANGE ORDER REQUEST**

MR. BAKER INFORMED THE COUNCIL OF HIS RECENT RECEIPT OF A CHANGE ORDER REQUEST FOR INSULATING THE SPRINKLER SYSTEM IN THE NEW BUILDING WITHOUT HAVING AUTHORIZED THE WORK. MAYOR THORNTON REFEREED THIS MATTER TO THE PUBLIC WORKS COMMITTEE FOR REVIEW.

**7. ADJOURNMENT**

MR. TAYLOR MOVED, SECONDED BY MR. SMITH FOR ADJOURNMENT. UNANIMOUSLY APPROVED AT 11:45 A.M.

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MAYOR

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TOWN MANAGER